CITY OF NORTH LAUDERDALE

COMMISSION MEETING

TUESDAY, JUNE 11, 2019
REGULAR MEETING – 6:00 p.m.

WATER CONTROL DISTRICT
(Immediately following regular meeting)

AGENDA

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Bustamante

2. ROLL CALL

    Mayor Ana Ziade
    Vice Mayor Samson Borgelin
    Commissioner Rich Moyle
    Commissioner Lorenzo Wood
    Commissioner Mario Bustamante
    City Manager Ambreen Bhatti
    City Attorney Samuel S. Goren
    City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES – None submitted

4. PRESENTATIONS
   a. KP4 Kidz Foundation - Kim Patrick
   b. Silver Lakes Middle Retirement Recognition – Roni Desorda
   c. Waste Management Recycling Update (Barbara Herrera)

5. PUBLIC DISCUSSION
6. OTHER BUSINESS

a. **RESOLUTION – Appointment of Kenneth Singh to Code Enforcement Board**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (City Clerk)
- Commission motion and second to adopt
- Commission discussion
- Commission vote

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPOINTING KENNETH SINGH AS AN ALTERNATE MEMBER OF THE NORTH LAUDERDALE CODE ENFORCEMENT BOARD (SPONSORED BY ANA M. ZIADE – MAYOR AT-LARGE); PROVIDING FOR TERM OF OFFICE; AND, PROVIDING AN EFFECTIVE DATE.

b. **RESOLUTION - Preliminary Fire/Rescue Special Assessment Rate**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (Susan Nabors)
- Commission motion and second to adopt
- Commission discussion
- Commission vote

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

c. **RESOLUTION - Preliminary Solid Waste Assessment Rate**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (Susan Nabors)
- Commission motion and second to adopt
- Commission discussion
- Commission vote
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE AT $222.00 FOR THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

d. RESOLUTION - Initial Fee Resolution - Stormwater

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (Susan Nabors)
- Commission motion and second to adopt
- Commission discussion
- Commission vote

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT PROVIDED BY THE CITY'S STORMWATER MANAGEMENT UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING AND CONFIRMING THE METHOD OF CALCULATING THE COST OF STORMWATER MANAGEMENT SERVICE AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTING THE CITY MANAGER TO PREPARE OR DIRECT THE PREPARATION OF A PRELIMINARY STORMWATER MANAGEMENT UTILITY FEE ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER MANAGEMENT UTILITY FEES AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7. REPORTS
8. CITY MANAGER COMMENTS

   a. Discussion and possible motion to recess for Summer after the July 9th Commission meeting until the first meeting in September as done in previous years.

9. COMMISSION COMMENTS

10. CITY ATTORNEY COMMENTS

11. ADJOURNMENT

   ***CONVENE TO WATER CONTROL DISTRICT MEETING***
RESOLUTION NO. ___________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPOINTING KENNETH SINGH AS AN ALTERNATE MEMBER OF THE NORTH LAUDERDALE CODE ENFORCEMENT BOARD (SPONSORED BY ANA M. ZIADE – MAYOR AT-LARGE); PROVIDING FOR TERM OF OFFICE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kenneth Singh has submitted an application to serve as a member of the Code Enforcement Board; and

WHEREAS, a vacancy exists on the Code Enforcement Board in the position of an alternate member; and

WHEREAS, Ana M. Ziade, Mayor-at-Large, recommends the appointment of Kenneth Singh to fill a position on the Code Enforcement Board with a member that resides in District A; and

WHEREAS, the City Commission is desirous of ratifying said appointment.

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

Section 1: That Kenneth Singh be and the same is hereby appointed as an alternate member of the North Lauderdale Code Enforcement Board.

Section 2: That Mr. Singh shall serve in said capacity for a three year term commencing on June 11, 2019 through May 31, 2022 or until resignation, whichever comes first.

Section 3: That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this 11th day of June, 2019.

APPROVED AS TO FORM:

____________________________
CITY ATTORNEY SAMUEL S. GOREN

____________________________
MAYOR ANA M. ZIADE

____________________________
VICE MAYOR SAMSON BORGELIN

____________________________
ATTEST:

____________________________
CITY CLERK PATRICIA VANCHERI
FINANCE DEPARTMENT
MEMORANDUM

TO:        Honorable Mayor and City Commission

FROM:      Ambreen Bhatti, City Manager

BY:        Susan Nabors, Finance Director

DATE:      June 11, 2019

SUBJECT:   Preliminary Fire/Rescue Special Assessment Rate

In November, 2015, the City Administration engaged Government Services Group, Inc. (GSG) to review City’s Fire/Rescue Special Assessment rates and provide a five (5) year plan. As a result of their review, GSG issued an Assessment Program Memorandum in May 2016, in which it recommended a revised rate structure that provided for the full funding of the Fire Rescue operations costs over the next five years. Please be advised that this assessment only covers the Fire Rescue operations. EMS Rescue operations are funded through the General Fund. Additionally, property owners, such as churches and schools, who are 100% exempt from property taxes, do not also pay this special assessment, even though there is a cost to provide fire rescue services to these institutions. Therefore, funding for these exempt properties is also provided through the General Fund.

GSG’s methodology allows for smooth and natural adjustments to the assessment rates that correspond to Fire Rescue’s fluctuating operational costs (such as salary increases, health insurance, fuel, and capital costs). The annual assessment also factors in the number of fire rescue calls by property category in order to allocate the fire rescue operational cost to the property category. The assessment for the year beginning October 1, 2019 and ending September 30, 2020 will be the fourth year of the five year plan.

The collection of the assessment for FY 2020 will follow the same uniform collection rules as it did in previous years. The assessment will be collected by the County through the tax bill process and remitted to the City. This form of revenue collection expedites payment to the City and also enables the residents to take advantage of 4% discount if paid prior to November 30th. Lesser discounts apply each month if paid by February 28th.

Please recall that the first year (FY 2017) of the updated five (5) year plan resulted in an assessment reduction of $49 to multi-family with commercial and institutional properties also seeing reductions. In addition, the fire assessment rates for FY 2019 were not increased. The revenue received through this year’s assessment rate will be enough to cover the Fire portion of the department budget, which includes the salary increases under the fire union 3-year contract term. See Exhibit A for the proposed rates for FY 2020.

A copy of the Fire Assessment Five (5) Year Plan is on file at the City Clerk’s Office for public review.
RECOMMENDATION:

The City Administration recommends Commission’s consideration and approval of the attached Preliminary Fire Rescue Rate Resolution reflecting an annual adjustment to our current year fire assessment rate for Single Family residents to $228 (from $215 – $13/year more than the prior year) and the multi-family residents, including fire inspections, to $388 (from $365 – $23/year more than the prior year). The Commercial, Industrial-Warehouse and Institutional Property Use Categories will also experience their respective proportional changes. The resolution also schedules our City’s public hearing on these fire/rescue assessment rates for Thursday, September 12, 2019, at 6:00 p.m.
## EXHIBIT A

### FY 2020 FIRE ASSESSMENT RATES

#### RESIDENTIAL PROPERTY USE CATEGORIES

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Rate Per Dwelling Unit</th>
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</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>$ 228</td>
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<tr>
<td>Multi-Family</td>
<td>$ 388</td>
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</tbody>
</table>

#### NON-RESIDENTIAL PROPERTY USE CATEGORIES

<table>
<thead>
<tr>
<th>Building Classification (in square foot ranges)</th>
<th>Commercial</th>
<th>Industrial Warehouse</th>
<th>Institutional</th>
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<tbody>
<tr>
<td>&lt; 1,999</td>
<td>$ 538</td>
<td>$ 116</td>
<td>$ 580</td>
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<td>2,000 - 3,499</td>
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<td>5,000 - 9,999</td>
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<td>10,000 - 19,999</td>
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<td>$ 26,854</td>
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RESOLUTION NO._____________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1996, the City of North Lauderdale began levying and collecting a non-ad valorem special assessment to fund its integrated fire rescue services, determining that the City’s fire rescue services provided a special benefit to the real property specially assessed for the services; and,

WHEREAS, on June 14, 2000, the Fourth District Court of Appeal rendered its decision in SMM Properties, Inc. v. City of North Lauderdale, 760 So.2d 998, in which the appellate court found that emergency medical services (EMS) could not be included in the services funded in a special assessment, which decision was approved by the Florida Supreme Court; and,

WHEREAS, since the SMM Properties decision the City has excluded EMS from its special assessment, and City staff has carefully and fully reviewed the City’s fire rescue budget, the delivery of fire rescue services, and the fire rescue incidents, in order to conform the City’s fire rescue special assessment to the parameters of the SMM Properties decision; and,

WHEREAS, in 2015, the City retained the services of Government Services Group (GSG) to complete a comprehensive review of the City’s Assessment Methodology for Fire Rescue Special Assessment, and GSG prepared an Assessment Program Memorandum, dated May 2016, which reviewed and updated the assessment rates for the City’s Fire Services Special Assessment; and,

WHEREAS, the City Commission determines that it is fair and equitable to levy and collect a non-ad valorem special assessment to fund the Fire Services provided within the City which is consistent with the decision in SMM Properties and pursuant to the 2016 GSG Memorandum.

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

SECTION 1.RECITALS.

The legislative findings set forth in the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.
SECTION 2. AUTHORITY.

This Resolution is adopted pursuant to the provisions of Ordinance No. 96-6-901, as amended by Ordinance 97-7-933 (collectively, the “Ordinance”), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE AND DEFINITIONS.

This Resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance, which initiates the annual process for updating the Assessment Roll and directs the imposition of fire rescue assessments for the fiscal year beginning October 1, 2019.

SECTION 4. DEFINITIONS All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

“Building Area” means the adjusted area of a Building expressed in square feet and reflected on the Tax Roll or, in the event such information is not reflected or determined not to be accurately reflected on the Tax Roll, the area determined by the City.

“Code Descriptions” mean the code descriptions listed in the Fixed Property Use Codes.

“Commercial Property” means those Tax Parcels with a Code Description designated as “Commercial” in the Fixed Property Use Codes.

“Cost Apportionment” means the apportionment of the Fire Rescue Assessed Cost among all Property Use Categories according to the Demand Percentages established pursuant to the apportionment methodology described in Section 8 of this Preliminary Assessment Resolution.

“Demand Percentage” means the percentage of demand for Fire Rescue services, facilities, or programs attributable to each Property Use Category determined by analyzing the historical demand for fire rescue services as reflected in Incident Reports in the State Database, and as described in Section 8 of this Preliminary Assessment Resolution.

“DOR Code” means a property use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to Tax Parcels within the City.

“Dwelling Unit” means (1) a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes, travel trailers, or the like for residential purposes.

“Estimated Fire Rescue Assessment Rate Schedule” means that rate schedule attached hereto as Appendix “B” and hereby incorporated herein by reference, specifying the Fire Rescue Assessed Costs determined in Section 9 of this Preliminary Assessment Resolution and the estimated Fire Rescue Assessments established in Section 9 of this Preliminary Assessment Resolution.
"FFIRS" means the Florida Fire Incident Reporting System.

“Fixed Property Use Codes” means the property use codes used by FFIRS, and which correlate with the property use codes used by the Broward County Property Appraisers Office, as specified in Appendix “A” attached hereto and incorporated herein by reference.

“Improvement Codes” means the building use codes assigned by the Property Appraiser to Tax Parcels within the City, which correlate to the Fixed Property Use Codes as specified in Appendix “A”, attached hereto and incorporated herein by reference.

“Incident Report” means an individual report filed with the Florida State Fire Marshal under FFIRS.

“Industrial/Warehouse Property” means those Tax Parcels with a Code Description designated as "Industrial/Warehouse" in the Fixed Property Use Codes.

“Institutional Property” means those Tax Parcels with a Code Description designated as “Institutional” in the Fixed Property Use Codes.

“Mixed Use Property” means a Tax Parcel that contains Buildings whose use descriptions are capable of assignment under a Code Description in the Fixed Property Use Codes in more than one Property Use Category.

“Multi-Family Residential Property” means those Tax Parcels with a Code Description designated as “Multi-Family Residential” in the Fixed Property Use Codes, and which require annual recurring fire inspections.

“Non-Residential Property” means, collectively, Commercial Property, Industrial/Warehouse Property, and Institutional Property.

“Parcel Apportionment” means the further apportionment of the Fire Rescue Assessed Cost allocated to each Property Use Category by the Cost Apportionment among the Tax Parcels under the methodology established in Section 8 of this Preliminary Assessment Resolution.

“Property Use Categories” means, collectively, Residential Property and all categories of Non-Residential Property.

“Residential Property” means those Tax Parcels with a condominium use under the DOR Codes together with those Tax Parcels with a Code Description designated as “Residential” in the Fixed Property Use Codes.

“Single-Family Residential Property” means those Tax Parcels with a Code Description designated as “Single-Family Residential” in the Fixed Property Use Codes, and which do not require annual recurring fire inspections.

“State Database” means the incident data specific to the City derived from the FFIRS Incident Reports maintained by the Florida State Fire Marshal.
“Tax Parcel” means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

SECTION 5. PROVISION AND FUNDING OF FIRE RESCUE SERVICES.

5.1 Upon the imposition of fire rescue assessments for fire rescue services, facilities, or programs against assessed property located within the City, the City shall provide fire rescue services to such assessed property. A portion of the cost to provide such fire rescue services, facilities, or programs shall be funded from proceeds of the fire rescue assessments. The remaining cost required to provide fire rescue services, facilities, and programs shall be funded by available City revenues other than fire rescue assessment proceeds. No costs for emergency medical services (EMS) shall be funded by the special assessment.

5.2 It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City’s provision of fire rescue services, facilities, and programs in an amount not less than the fire rescue assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 6. IMPOSITION AND COMPUTATION OF FIRE RESCUE ASSESSMENTS. Fire rescue assessments shall be imposed against all tax parcels within the property use categories. All EMS costs have been removed from the fire rescue assessed costs, and all EMS calls have been removed from the historical call data used to allocate those costs among real property within the City. The fire rescue assessments shall be computed in the manner described herein and the May 2016 Assessment Program Memorandum from Government Services Group.

SECTION 7. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The City Commission reconfirms the legislative findings in the Ordinance, and adopts the following legislative findings relating to the fire rescue special assessment:

AUTHORITY

7.1 Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law and such power may be exercised by the enactment of City ordinances or resolutions.

7.2 The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to fire services, facilities or programs.
SPECIAL BENEFIT

7.3 The special benefits provided to affected lands as a result of a fire rescue assessment include by way of example and not limitation, the availability and use of fire services by the owners and occupants of the property, protection of public safety, stable, or decreasing insurance costs, a potential increase in value to property, and better service to landowners and tenants.

7.4 Fire rescue services possess a logical relationship to the use and enjoyment of improved property by:

7.4.1 protecting the value of the improvements and structures by providing available fire control services;

7.4.2 protecting the life and safety of intended occupants in the use and enjoyment of improvements and structures within improved parcels;

7.4.3 lowering the cost of fire insurance by the presence of a professional and comprehensive fire control program within the City; and

7.4.4 containing the spread of fire incidents occurring on vacant property, that have the potential to spread and endanger the structures and occupants of improved property.

IMPOSITION AND COLLECTION

7.5 The annual fire rescue assessments to be imposed pursuant to this Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act (“Uniform Method”).

7.6 The fire rescue assessment imposed pursuant to this Resolution is imposed by the City Commission, not the Broward County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed as ministerial.

APPORTIONMENT

7.7 It is fair and reasonable to use the Fixed Property Use Codes and DOR Codes for the Cost Apportionment and the Parcel Apportionment because: (1) the Tax Roll database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and Building Area for improved property within the City, and (2) the Tax Roll database within such property use codes is maintained by the Property Appraiser and is thus consistent with parcel designations on the Tax Roll which compatibility permits the development of an Assessment Roll in conformity with the requirements of the Uniform Method.

7.8 Apportioning fire rescue assessed costs among classifications of improved property based upon historical demand for fire rescue services is fair and reasonable and proportional to the special benefit received.
7.9 The Incident Reports are the most reliable data available to determine the potential demand for fire services from property use and to determine the benefit to property use resulting from the availability of fire rescue services to protect and serve Buildings located within Assessed Property and their intended occupants. There exists sufficient Incident Reports documenting the historical demand for fire services from Assessed Property Use Category by an examination of such Incident Reports which is consistent with the experience of the City. Therefore, the use of Demand Percentages determined by an examination of Incident Reports is a fair and reasonable method to apportion the fire services assessed costs among the property use categories.

7.10 The level of services required to meet the anticipated demand for fire rescue services and the corresponding annual budget required to fund fire services provided to incidents at non-specific property uses would be required notwithstanding the occurrence of any incidents from non-specific property uses. Therefore, the calls to non-specific property uses are omitted from the cost apportionment exercise and not re-allocated.

7.11 The City annually provides inspections of all improved property other than single family Dwelling Units. Adding the City’s annual fire inspection program costs to the fire services assessment determined for all Residential Property (other than single family Dwelling Units) and Non-Residential Property is fair and reasonable and proportional to the special benefit received by such property as a result of such inspections.

RESIDENTIAL PARCEL APPORTIONMENT

7.12 The size or the value of the residential property does not determine the scope of the required fire rescue response. The potential demand for fire rescue services is driven by the existence of a Dwelling Unit and the anticipated average occupant population.

7.13 Apportioning the fire rescue assessed costs for fire services attributable to Residential Property on a per Dwelling Unit basis is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method of Parcel Apportionment based upon historical call data.

NON-RESIDENTIAL PARCEL APPORTIONMENT

7.14 The risk of loss and the demand for fire service availability is substantially related to Buildings size. Because the value and anticipated occupancy of non-residential Buildings is substantially related to Building size, it is fair, reasonable and equitable to allocate the assessment burden on improved property containing such Buildings based upon the size of the Building.

7.15 The separation of improved Non-Residential Property into Building Area classification ranges is fair and reasonable for the purposes of the Parcel Apportionment because: (1) the absence of a need for precise square footage data within the ad valorem tax records maintained by the Property Appraiser undermines the use of the actual Building Area within each improved parcel as a basis for Parcel Apportionment; (2) the administrative expense and complexity created by an on-site inspection to determine the actual Building Area within each improved parcel assessed is impractical; (3) the demand for fire rescue service availability is not precisely determined or measured by the actual Building Area within benefited parcels; and, (4) the classification of parcels within Building Area classification ranges is a fair and reasonable method to classify benefited parcels and to apportion costs among benefited parcels that create similar demand for the availability of fire rescue services.
7.16 The allocation of the assessment burden to improved Non-Residential Property by building size is fair and reasonable for the purposes of Parcel Apportionment because it is a fair and reasonable method of classifying benefited parcels and will apportion costs among benefited parcels that create similar demand for the availability of fire rescue services.

7.17 The demand for the availability of fire rescue services may diminish at the outer limit of structure size because a fire occurring at a structure greater than a certain size is not capable of being suppressed under expected conditions. Additionally, the fire flow capacity anticipated at the fire scene under the level of service provided by the assessable costs limits the benefit provided to a structure beyond a certain size. Therefore, it is reasonable to place a cap on the square footage of benefited buildings within the non-residential property use categories.

7.18 Property whose use is exempt from ad valorem taxation under Florida law provide facilities and uses to the ownership, occupants, membership as well as public in general that otherwise might be required to be provided by the City and such use thereof serves a legitimate public purpose and provides a public benefit. Therefore, it is fair and reasonable not to impose fire rescue assessments upon Buildings whose use is exempt from ad valorem taxation under Florida law. Accordingly, no fire rescue assessment shall be imposed upon portion of building whose use is wholly exempt from ad valorem taxation under Florida law.

VACANT PROPERTY

7.19 Because of the urbanized character of the City, the suppression of fire on agricultural and vacant property, including acreage, primarily benefits improved property by the containment of the spread of fire rather than the preservation of the value of the vacant property. Therefore, it is fair and reasonable to not assess vacant property for fire services.

SECTION 8. COST APPORTIONMENT AND PARCEL APPORTIONMENT METHODOLOGIES.

8.1 Cost Apportionment:

8.1.1. To correlate the Property Use Categories with the State Data Base, the Code Descriptions within the Fixed Property Use Codes similar to Code Descriptions within the Improvement Codes that were used to determine the Property Use Categories were identified using the information in Appendix “A.” Such correlation in Code Descriptions by Property Use category between the Fixed Property Use Codes and the Improvement Codes is necessary to allocate the historical demand for fire rescue services as reflected by the Incident Reports for Tax Parcels on the Tax Roll within the Property Use Categories.

8.1.2 Historical demand for fire rescue services, excluding EMS calls, is identified by property use category through incident reports maintained by the City’s Fire Department.

8.1.3 A demand percentage is determined for each property use category by calculating the percentage that incident reports allocated to each property use category bear to the total number of incident reports documented for all property use categories within the sampling period.
8.1.4 Assessable property use categories are: residential, commercial, industrial/warehouse, and institutional.

8.1.5 The demand percentage for each property use category is applied to the fire rescue assessed costs and the resulting product is the cost allocation of that portion of the fire rescue assessed costs allocated to each individual property use category.

8.1.6 Calls to non-specific property uses are omitted from the cost apportionment and not re-allocated consistent with the findings in section 7.10 above.

8.2 Parcel Apportionment Methodology

8.2.1 Apportionment among Tax Parcels of that portion of the fire rescue services Assessed Costs apportioned to each Property Use Category, under the Cost Apportionment, shall be consistent with the following Parcel Apportionment methodology:

8.2.1.1 The fire rescue services assessment for each Tax Parcel of residential property shall be computed by dividing the allocated assessed costs by the total number of dwelling units shown on the tax roll within the City, and then multiplying such quotient by the number of dwelling units located on such tax parcel.

8.2.1.2 The fire rescue services assessment for each tax parcel of improved non-residential property shall be computed by dividing the allocated assessed costs per category by the total square footage shown on the tax roll within the City for each category and multiplying such quotient by the total square feet of such tax parcel.

8.2.1.3 Vacant Lots are not assessed pursuant to the findings set forth in paragraph 7.19 above.

SECTION 9. DETERMINATION OF FIRE RESCUE ASSESSED COSTS; ESTABLISHMENT OF ANNUAL FIRE RESCUE ASSESSMENT RATES.

9.1 The fire rescue assessed costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2019, is the amount determined in the Estimated Fire Rescue Assessment Rate Schedule, attached hereto as Appendix “B.” The approval of the Estimated Fire Rescue Assessment Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the fire rescue assessed costs. The remainder of such fiscal year budget for fire rescue services, facilities, and programs, as well as all EMS costs, shall be funded from available City revenue other than fire rescue assessment proceeds.

9.2 The estimated fire rescue assessments specified in the Estimated Fire Rescue Assessment Rate Schedule are hereby established to fund the specified fire rescue assessed costs determined to be assessed in the Fiscal Year commencing October 1, 2019.

9.3 The estimated fire rescue assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Assessment Roll for the Fiscal Year commencing October 1, 2019 as provided in Section 10 of this Preliminary Rate Resolution.
SECTION 10. ANNUAL ASSESSMENT ROLL.

10.1 The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2019, in the manner provided in the Ordinance. The updated Assessment Roll shall include all Tax Parcels within the Property Use Categories. The Assessment Coordinator shall apportion the estimated fire rescue assessed cost to be recovered through fire rescue assessments in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the Ordinance, and the updated Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 2019 be in printed form if the amount of the fire rescue assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

10.2 In determining the estimated fire rescue assessment for any tax parcel, the updated Assessment Roll shall include, pursuant to the Ordinance, an amount equivalent to any delinquent fire rescue assessment imposed for a prior fiscal year, together with any costs, fees or expenses attributable thereto.

10.3 It is hereby ascertained, determined, and declared that the method of determining the fire rescue assessments for fire rescue services as set forth in this Preliminary Rate Resolution is a fair and reasonable method of apportioning the fire rescue assessed cost among parcels of assessed property located within the City, the methodology and apportionment assures that no property is assessed an amount greater than the benefit which it receives from Fire Rescue provided by the City, and the methodology and apportionment are consistent with the decision of the Fourth District Court of Appeal in SMM Properties.

SECTION 11. AUTHORIZATION OF PUBLIC HEARING.

There is hereby established a public hearing to be held at 6:00 p.m. on September 12, 2019, in City Commission Chambers of City Hall, 701 Southwest 71st Avenue, North Lauderdale, Florida, at which time the City Commission will receive and consider any comments on the fire rescue assessments from the public and affected property owners and consider imposing fire rescue assessments for the fiscal year beginning October 1, 2019 and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. NOTICE BY PUBLICATION.

The Assessment Coordinator shall publish a notice of the public hearing authorized by Section 11 of this Preliminary Rate Resolution in the manner and time provided in the Ordinance. The notice shall be published no later than August 23, 2019, in substantially the form attached hereto as Appendix “D.”

SECTION 13. NOTICE BY MAIL.

The Assessment Coordinator shall ensure that proper and timely notice is provided to the Owners of Assessed Property though use of the TRIM notices forwarded by the Property Appraiser’s Office to Property Owners within the City in a manner consistent with the requirements of the Ordinance.
SECTION 14. APPLICATION OF ASSESSMENT PROCEEDS.

Proceeds derived by the City from the fire rescue assessments will be utilized for the provision of fire rescue services, facilities, and programs, consistent with this Resolution and the Fourth District Court of Appeal opinion in SMM Properties. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire rescue services, facilities, and programs.

SECTION 15. EFFECTIVE DATE.

This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.


APPROVED AS TO FORM:

_____________________________
CITY ATTORNEY SAMUEL S. GOREN

_____________________________
MAYOR ANA M. ZIADE

_____________________________
VICE MAYOR SAMSON BORGELEN

ATTEST:

_____________________________
CITY CLERK PATRICIA VANCHERI
## APPENDIX A
### FIXED PROPERTY USE CODES

<table>
<thead>
<tr>
<th>Fixed Property Use</th>
<th>Fixed Property Use Description</th>
<th>Category Assigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>000</td>
<td>FIXED PROP USE UNDETERMINED</td>
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</tr>
<tr>
<td>100</td>
<td>UNKNOWN OTHER</td>
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<tr>
<td>110</td>
<td>FIXED USE RECREATION, OTHER</td>
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</tr>
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<td>115</td>
<td>ROLLER RINK</td>
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<td>116</td>
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<td>VARIABLE USE AMUSEMENT/RECREATION</td>
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<td>124</td>
<td>PLAYGROUND</td>
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<td>131</td>
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<td>FUNERAL PARLOR/CHAPEL</td>
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<td>ATHLETIC CLUB/YMCA</td>
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<td>LIBRARY</td>
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<td>211</td>
<td>PRE-SCHOOL</td>
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<td>213</td>
<td>ELEMENTARY SCHOOL</td>
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<td>HIGH SCHOOL/JR HIGH/MIDDLE SCHOOL</td>
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<td>DAY CARE-IN COMMERCIAL PROPERTY</td>
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<td>CLINICS, OTHER</td>
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<td>VEHICLE STORAGE; OTHER</td>
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<td>GENERAL VEHICLE PARKING GARAGE</td>
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<td>OPEN LAND, FIELD</td>
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<td>DIVIDED HIGHWAY, HIGHWAY</td>
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<td>NONE</td>
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<tr>
<td>UUU</td>
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</table>
APPENDIX B

ESTIMATED FIRE RESCUE ASSESSMENT RATE SCHEDULE

SECTION B-1. DETERMINATION OF FIRE RESCUE ASSESSED COSTS.

The estimated fire rescue Assessed Costs to be assessed for the fiscal year commencing October 1, 2019, is $4,830,484. Additional fire rescue proceeds may be received and the fire rescue assessed costs to be assessed may be adjusted as a result of reclassification of Assessed Property or inclusion of parcels not included on the preliminary Assessment Roll.

SECTION B-2. ESTIMATED FIRE RESCUE ASSESSMENTS. The estimated 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 fiscal year commencing October 1, 2019, are hereby established as follows for the purpose of this Preliminary Rate Resolution:

<table>
<thead>
<tr>
<th>RESIDENTIAL PROPERTY USE CATEGORIES</th>
<th>Rate Per Dwelling Unit</th>
</tr>
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<tbody>
<tr>
<td>Single Family</td>
<td>$ 228</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>$ 388</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>NON-RESIDENTIAL PROPERTY USE CATEGORIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Classification (in square foot ranges)</td>
</tr>
<tr>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>&lt; 1,999</td>
</tr>
<tr>
<td>2,000 - 3,499</td>
</tr>
<tr>
<td>3,500 - 4,999</td>
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<tr>
<td>5,000 - 9,999</td>
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<tr>
<td>10,000 - 19,999</td>
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<tr>
<td>20,000 - 29,999</td>
</tr>
<tr>
<td>30,000 - 39,999</td>
</tr>
<tr>
<td>40,000 - 49,999</td>
</tr>
<tr>
<td>&gt;= 50,000</td>
</tr>
</tbody>
</table>
SECTION B-3. EXEMPT PROPERTIES. No Fire Assessment shall be imposed upon a parcel of Government Property or portions of Building whose use is wholly exempt from ad valorem taxation under Florida law. No assessment shall be imposed on vacant (unimproved) property. 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. It is the legislative determination of the City Commission that in the event a court of competent jurisdiction determines any exemption or reduction by the City Commission improper or otherwise adversely affects the validity of the Fire Rescue Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Rescue Assessment upon each affected Tax Parcel in the amount of the Fire Rescue Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the City Commission.
APPENDIX C

PARCEL APPORTIONMENT METHODOLOGY

The Cost Apportionment to each Property Use Category and to Mixed Use Property shall be apportioned among the Tax Parcels within each Property Use Category and to Mixed Use Property Tax Parcels as follows:

SECTION C-1. RESIDENTIAL PROPERTY. For both Single-Family and Multi-Family Residential Properties, the Fire Rescue Assessment for each Tax Parcel of Residential Property shall be computed by multiplying the Demand Percentage attributable to Residential Property by the Fire Rescue Assessed Costs, dividing such product by the total number of Dwelling Units shown on the Tax Roll within the City, and then multiplying such quotient by the number of Dwelling Units located on such Tax Parcel. For Multi-Family residential properties the annual fire inspection is included in the services funded by this assessment. This amount will be no greater than the amount set forth in Appendix “B.” This method will ensure that no residential property is assessed an amount greater than the special benefit received from the assessed services.

SECTION C-2. NON-RESIDENTIAL PROPERTY. The Fire Rescue Assessments for each Tax Parcel of Non-Residential Property shall be computed as follows:

(A) Respectively, multiply the Fire Rescue Assessed Costs by the Demand Percentage attributable to each of the non-residential Property Use Categories. The resulting dollar amounts reflect the portions of the City's Fire Rescue budget to be respectively funded from Fire Rescue Assessment revenue derived from each of the non-residential Property Use Categories. For non-residential properties the annual fire inspection is included in the services funded by this assessment. This method will ensure that no non-residential property will be assessed an amount greater than the special benefit received from the service.
(B) Separate each Tax Parcel in each of the non-residential Property Use Categories into one of the following square footage categories:

1. Tax Parcels with a Building Area of equal to or less than 1,999 square feet;
2. Tax Parcels with a Building Area between 2,000 square feet and 3,499 square feet;
3. Tax Parcels with a Building Area between 3,500 square feet and 4,999 square feet;
4. Tax Parcels with a Building Area between 5,000 square feet and 9,999 square feet;
5. Tax Parcels with a Building Area between 10,000 square feet and 19,999 square feet;
6. Tax Parcels with a Building Area between 20,000 square feet and 29,999 square feet;
7. Tax Parcels with a Building Area between 30,000 square feet and 39,999 square feet;
8. Tax Parcels with a Building Area between 40,000 square feet and 49,999 square feet;
9. Tax Parcels with a Building Area equal to or greater than 50,000 square feet.
(C) As to each non-residential Property Use Category, multiply the number of Tax Parcels categorized in:

1. Subsection (B)(1) of this Section by 1,000 square feet;
2. Subsection (B)(2) of this Section by 2,000 square feet;
3. Subsection (B)(3) of this Section by 3,500 square feet;
4. Subsection (B)(4) of this Section by 5,000 square feet;
5. Subsection (B)(5) of this Section by 10,000 square feet;
6. Subsection (B)(6) of this Section by 20,000 square feet;
7. Subsection (B)(7) of this Section by 30,000 square feet;
8. Subsection (B)(8) of this Section by 40,000 square feet;
9. Subsection (B)(9) of this Section by 50,000 square feet;

(D) For each non-residential Property Use Category, add the products of subsections (C)(1) through (C)(9) of this Section. The sum of these products reflects an aggregate square footage area for each non-residential Property Use Category to be used by the City in the computation of Fire Rescue Assessments.

(E) Divide the product of subsection (A) of this Section relative to each of the non-residential Property Use Categories by the sum of the products for each non-residential Property Use Category described in subsection (D) of this Section. The resulting quotient expresses a dollar amount adjusted or weighted per square foot of improved area to be used in computing Fire Rescue Assessments on each of the respective non-residential Property Use Categories.
(F) For each of the non-residential Property Use Categories, multiply the resulting quotients from subsection (A) of this Section by each of the respective products in subsections (C)(1) through (C)(9) of this Section. The resulting products for each non-residential Property Use Category expresses a series of gross dollar amounts expected to be funded by all Tax Parcels in the respective non-residential Property Use Categories in each of the square footage categories in subsection (B) of this Section.

(G) For each of the non-residential Property Use Categories, divide each of the respective products of subsection (F) of this Section by the number of Tax Parcels determined to be in each of the square footage categories identified in subsection (B) of this Section. The result expresses the respective dollar amounts of the Fire Rescue Assessments to be imposed upon each Tax Parcel in each of the non-residential Property Use Categories.

SECTION C-3 MIXED USE PROPERTY. The Fire Rescue Assessments for each Tax Parcel classified in two or more Property Use Categories shall be the sum of the Fire Rescue Assessments computed for each Property Use Category.
FORM OF NOTICE TO BE PUBLISHED

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE RESCUE SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of North Lauderdale will conduct a public hearing to consider imposing fire rescue special assessments for the provision of fire rescue services within the City of North Lauderdale.

The hearing will be held at 6:00 p.m., on September 12, 2019, in the City Commission Chambers, 701 Southwest 71st Avenue, North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk’s office at (954) 597-4706, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel’s classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire rescue assessment schedule.
<table>
<thead>
<tr>
<th>RESIDENTIAL PROPERTY USE CATEGORIES</th>
<th>Rate Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>$228</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>$388</td>
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<table>
<thead>
<tr>
<th>NON-RESIDENTIAL PROPERTY USE CATEGORIES</th>
<th>Commercial</th>
<th>Industrial Warehouse</th>
<th>Institutional</th>
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<tr>
<td>Building Classification (in square foot ranges)</td>
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<tr>
<td>&lt; 1,999</td>
<td>$538</td>
<td>$116</td>
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<td>2,000 - 3,499</td>
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<td>$26,854</td>
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Copies of the Fire Rescue Assessment Ordinance (Ordinance No. 96-6-901), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and imposing the fire rescue assessments, and the Preliminary Assessment Roll for the upcoming fiscal year, are available for inspection at the City Clerk’s office, City Hall, located at 701 Southwest 71st Avenue, North Lauderdale, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2019, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Finance Department at (954) 597-4714, Monday through Friday between 8:00 a.m. and 5:00 p.m.

CITY CLERK, CITY OF NORTH LAUDERDALE
FINANCE DEPARTMENT
MEMORANDUM

TO: Honorable Mayor and City Commission
FROM: Ambreen Bhatti, City Manager
BY: Susan Nabors, Finance Director
DATE: June 11, 2019

SUBJECT: Preliminary Solid Waste Assessment Rate

The City Commission instituted an assessment for solid waste collection and disposal in FY 2013. The program has been a great success and has helped to streamline the payment process for the waste hauler, Waste Pro, as well as expedite the collection of revenue by the County on the tax bill and payment to the City. This form of revenue collection enables the residents to take advantage of a 4% discount if paid prior to November 30th. Lesser discounts apply if paid by February 28th. The collection of the residential solid waste assessment for FY 2020 will follow the same uniform collection rules as it did in previous years.

As you may recall, in 2018 there were changes to the processor for recyclables. The new contract with Waste Management included higher processing fees plus additional charges for highly contaminated loads. Additionally, the market for recyclables has changed over the last year which resulted in a loss of revenue to the City. Because of these changes and resulting higher costs, the solid waste assessment was increased in FY 2019 from $216.02 to $222.00.

Administration recommends maintaining the solid waste assessment rate at $222.00 for FY 2020. This assessment will be for the fiscal year beginning October 1, 2019. The proposed rate for FY 2020 is before available discounts through the payment of the tax bill.

RECOMMENDATION:

The City Administration recommends Commission’s consideration and approval of the attached Preliminary Solid Waste Rate Resolution reflecting an annual unit cost for residential solid waste collection of $222.00. The resolution also schedules our City’s public hearing on the solid waste assessment rate for Thursday, September 12, 2019, at 6:00 p.m.
CITY OF NORTH LAUDERDALE

RESOLUTION NO. ______________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE AT $222.00 FOR THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of North Lauderdale Ordinance No. 11-05-1250, adopted on May 31, 2011, provides for the home rule authority of the City “to impose Residential Solid Waste Collection Services Special Assessments against Residential property located within the City”, and provides findings of special benefit to real property as a result of such services; and,

WHEREAS, the City has in place a Franchise Agreement with Waste Pro of Florida, Inc. (hereinafter “Waste Pro”), pursuant to which the City provides Residential Solid Waste Collection Services to, among others, all residential properties that receive Residential Solid Waste Collection Services from the City; and,

WHEREAS, the City believes it is in the best interests of the residents and residential properties owners to collect funds for the costs of the City’s Residential Solid Waste Collection Services to all residential units that receive Residential Solid Waste Collection Services from the City, through its Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units, through the levy and collection of a special assessment, as such will eliminate direct quarterly or monthly billing and charges to residents, permit the payment for the services on an annual basis along with properties taxes and other special assessments, reduce the administrative costs of the Residential Solid Waste Collection Program to the City, and ensure that all properties that receive Residential Solid Waste Collection Services from the City through the Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units, pay for such so that no property is over-charged by virtue of the failure of other properties to pay for such; and,

WHEREAS, Residential Solid Waste Collection Services provided by the City through its Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units, as defined hereinafter provide the requisite special benefit to Assessed Property such that they may be funded through a special assessment; and,
WHEREAS, City staff has reviewed the budget for Residential Solid Waste Collection Services, for residential units that receive Residential Solid Waste Collection Services from the City through the Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units, to ensure that the Residential Solid Waste Collection Services Special Assessment meets the legal requirements for special benefit and fair apportionment; and,

WHEREAS, the City Commission determines that it is fair and equitable to levy and collect a non-ad valorem special assessment to fund the Residential Solid Waste Collection Services provided by the City through its Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units, consistent with the methodology and allocation as provided hereinafter.

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

SECTION 1. RECITALS. The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the City Commission and incorporated herein by this reference.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of Ordinance No. 11-05-1250 (the “Ordinance”), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE. This Resolution constitutes the Preliminary Assessment Resolution as defined in the Ordinance which initiates the process for developing the Residential Solid Waste Collection Services Special Assessment Roll and directs the imposition of a Residential Solid Waste Collection Services Assessment as described hereinafter, for the Fiscal Year beginning October 1, 2019. Its purpose is to provide procedures and standards for the imposition of a Residential Solid Waste Collection Services Assessment for all Residential units that receive Residential Solid Waste Collection Services under the general home rule powers of a municipality to impose special assessments, and to authorize a procedure for the funding of Residential Solid Waste Collection Services for these residential properties, facilities, or programs providing special benefits to Assessed Properties within the City.
SECTION 4. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance and Resolution 12-06-5872 (the “Initial Assessment Resolution”). Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings unless the context hereof otherwise requires:

"Assessment Coordinator" means the person designated by the City to administer the City’s Residential Solid Waste Collection Services, facility, or program, or such person's designee.

"Cost Apportionment" means the apportionment of the Residential Solid Waste Collection Services Assessed Cost among all Residential units that receive Residential Solid Waste Collection Services pursuant to the apportionment methodology described in Section 8 of this Preliminary Assessment Resolution.

"Estimated Residential Solid Waste Collection Services Assessment Rate Schedule" means that rate schedule attached hereto as Appendix “A” and hereby incorporated herein by reference, specifying the Residential Solid Waste Collection Services Assessed Costs determined in Section 9 of this Preliminary Assessment Resolution and the estimated Residential Solid Waste Collection Services Assessments established in Section 9 of this Preliminary Assessment Resolution.

“Franchise Agreement” means that certain Franchise Agreement for Solid Waste and Recycling Collection and Disposal by and between the City and Waste Pro of Florida, Inc., dated November 15, 2011, as may be amended from time to time, or other agreements related to collection and disposal of discarded materials for residential units.
“Improvement Codes” mean the building use codes (also known as DOR codes) assigned by the Property Appraiser to Tax Parcels within the City.

"Residential Property" means those Tax Parcels with a Code Description designated as Single-Family "Residential" within the Improvement Codes and those otherwise designated as “Residential” within the Improvement Codes that receive residential Solid Waste Collection Services from the City through the Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units; provided that multi-family residential properties with more than four (4) units are not included in the definition of “Residential Property” for purposes of the Residential Solid Waste Collection Special Assessment.

“Residential Solid Waste Collection Services Cost" is as defined in the Ordinance. “Costs associated with levying the special assessment” includes all costs associated with the structure, implementation, collection, and enforcement of the Residential Solid Waste Collection Services Assessment, including any service charges of the Tax Collector, or Property Appraiser, and amounts necessary to off-set discounts received for early payment of the Residential Solid Waste Collection Services Assessments pursuant to the Uniform Assessment Collection Act.

“Solid Waste”, for purposes of this special assessment, and to conform to the intent of the special assessment that residential units pay for collection of discarded materials by the City from their units, solid waste shall include recyclable materials.

"Tax Parcel" means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

SECTION 5. PROVISION AND FUNDING OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES.
(A) Upon the imposition of the Residential Solid Waste Collection Services Assessment for Residential Solid Waste Collection Services for residential properties, facilities, or programs upon Assessed Property located within the City, the City shall provide Residential Solid Waste Collection Services to such Assessed Property through the Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units. The cost to provide such Residential Solid Waste Collection Services, facilities, or programs to residential properties, as described herein, shall be funded from the proceeds of the Residential Solid Waste Collection Services Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City's provision of Residential Solid Waste Collection Services for properties, facilities, and programs in an amount not less than the Residential Solid Waste Collection Services Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Assessment Resolution.

SECTION 6. IMPOSITION AND COMPUTATION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENTS. Residential Solid Waste Collection Services Assessments shall be imposed against all Residential units that receive Residential Solid Waste Collection Services, as provided herein. The Cost Apportionment described herein is approved and adopted as the methodology to impose and compute the Residential Solid Waste Collection Services Assessment.

SECTION 7. LEGISLATIVE DETERMINATIONS OF AUTHORITY, SPECIAL BENEFIT AND FAIR APPORTIONMENT. The City Commission adopts the following legislative findings relating to the Residential Solid Waste Collection Services special assessment:
AUTHORITY

7.1 Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law and such power may be exercised by the enactment of City ordinances or resolutions.

7.2 The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to Residential Solid Waste Collection Services, facilities or programs.

7.3 Section 403.706(1), Florida Statutes, provides that the City is responsible to collect and transport solid waste from within its boundaries to a solid waste disposal facility.

7.4 To fulfill its obligations, the City entered into a Franchise Agreement with Waste Pro, and other agreements, for the collection and transport of solid waste from, among others, single-family residential properties, and certain multi-family residential properties that receive Residential Solid Waste Collection services, within the City.

SPECIAL BENEFIT

7.5 The City provides Residential Solid Waste Collection Services to the Assessed Properties through its Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units. All Assessed Properties receive Residential
Solid Waste Collection Services, and therefore are required to receive the City’s Residential Solid Waste Collection Services through the City’s Franchise Agreement and other agreements related to collection and disposal of discarded materials for residential units.

7.6 The special benefit provided to the Assessed Properties as a result of the provision of Residential Solid Waste Collection Services by the City through its Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units, and as a result of the Residential Solid Waste Collection Services Assessment include by way of example and not limitation, the availability and use of Residential Solid Waste Collection Services by the owners and occupants of the Assessed Properties, the enhancement of environmentally responsible use and enjoyment of developed residential properties in the City, the protection of public health and safety, ensuring sanitary collection and disposal of solid waste from residential units in the City, a potential increase in value to property, and better service to landowners and tenants.

7.7 The City’s provision of Residential Solid Waste Collection Services through its Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units, possesses a logical relationship to the use and enjoyment of the Assessed Properties by:

7.7.1 protecting and potentially increasing the value of the residential units by providing solid waste collection services;

7.7.2 enhancing the environmentally responsible use of residential land in the City;
7.7.3 protecting the health of intended occupants in the use and enjoyment of residential units by ensuring the proper collection and disposal of solid waste from the Assessed Properties;

7.8 Commercial properties, and multi-family residential properties in the City with more than four (4) units, are not specially benefited by the City’s Residential Solid Waste Collection Services funded by the Residential Solid Waste Collection Special Assessment in that those properties receive volume-based Solid Waste Collection services. Moreover, given the fact that commercial properties, and residential properties with more than four (4) units receive Solid Waste Collection Services on a volume basis, it is not possible to determine the exact annual costs that can be apportioned to each property; therefore, it is not possible to ensure that an assessment levied upon these properties can be fairly apportioned. As a result, it is fair and reasonable not to levy a special assessment for the funding of residential Solid Waste Collection services upon those properties, and the costs of such services shall be collected by the City by other means.

IMPOSITION AND COLLECTION

7.10 The Residential Solid Waste Collection Services Assessments to be imposed pursuant to this Preliminary Assessment Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

7.11 The Residential Solid Waste Collection Services Assessment imposed pursuant to this Preliminary Assessment Resolution is imposed by the City Commission of the City of North Lauderdale, not the Broward County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of
this Preliminary Assessment Resolution, and pursuant to the City’s agreements with such entities, shall be construed as ministerial.

7.12 So long as the Residential Solid Waste Collection Special Assessment is levied, the Assessed Properties will no longer be billed directly by the City for the Residential Solid Waste Collection Services they receive from the City through the Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units.

APPORTIONMENT

7.13 The size or the value of the Residential Property does not determine the scope of the required solid waste services. The potential demand for Residential Solid Waste Collection Services is driven by the existence of a Residential unit.

7.14 Apportioning the Residential Solid Waste Assessed Costs for Residential Solid Waste Collection Services attributable to Residential Property on a per Residential unit basis is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method.

7.15 Because commercial properties, and multi-family residential properties with more than four (4) units do not benefit from the provision of Residential Solid Waste Collection Services by the City through the Franchise Agreement, the Residential Solid Waste Collection Services Assessed Costs are not apportioned to those properties.

7.16 Unoccupied Residential units in the City may not receive residential Solid Waste Collection Services during such time as the Residential unit is unoccupied. The City cannot know which Residential units are unoccupied at the time the assessments are levied. Therefore, it is fair and reasonable to impose the special assessment on all Residential units designated on the Improvement Codes and which are expected to or actually receive Residential Solid Waste Collection Services. Upon payment of the special assessment, should an owner of an Assessed
Property provide documentation deemed acceptable to the City verifying that its Residential unit was unoccupied for a portion of the Fiscal Year commencing on October 1, 2019, the City will refund a pro-rated amount of the paid assessment. “Unoccupied” shall mean a minimum continuous period of three (3) months. It is fair and reasonable to impose this minimum period of time in order to balance the City’s administrative costs associated with a review of documentation and potential refunding with the fairness to owners of Assessed Residential units, and unoccupied Residential units derive some benefit from the provision of Residential Solid Waste Collection Services to neighboring Residential units, which avoids blight and health and safety issues associated with the accumulation of solid waste in the surrounding areas and neighborhood.

SECTION 8. COST APPORTIONMENT METHODOLOGY. The Franchise Agreement provides for an annual charge to the Assessed Properties for the Residential Solid Waste Collection Services provided by the City through its Franchise Agreement. In addition, the City has entered into an agreement for the processing of recyclable materials (which is included in the definition of “Solid Waste” for purposes of this special assessment), which charges the City for processing of such materials. The City has allocated the portion of the charges related to residential properties for the processing of the recyclable materials to the Residential Solid Waste Collection Services Assessed Costs. The Residential Solid Waste Collection Services Assessed Costs include other costs associated with the Residential Solid Waste Collection Special Assessment, which are then allocated to the Assessed Properties in addition to the annual charge in the Franchise Agreement to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Residential units on such Tax Parcel. For the Fiscal Year commencing October 1, 2019, the annual charge per Residential Unit in the City is $222.00.
SECTION 9. DETERMINATION OF RESIDENTIAL SOLID WASTE COLLECTION ASSESSED COSTS; ESTABLISHMENT OF ANNUAL RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT RATES.

(A) The Residential Solid Waste Collection Service Assessed Costs to be assessed and apportioned among Assessed Properties pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2019, is the amount determined in the manner described in Section 8 above, and in the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule by the adoption of this Preliminary Assessment Resolution determines the amount of the Residential Solid Waste Collection Services Assessed Costs.

(B) The estimated Residential Solid Waste Collection Services Assessments specified in the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule are hereby established to fund the specified Residential Solid Waste Collection Services Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2019.

(C) The estimated Residential Solid Waste Collection Services Assessments established in this Preliminary Assessment Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Residential Solid Waste Collection Services Special Assessment Roll for the Fiscal Year commencing October 1, 2019, as provided in Section 10 of this Preliminary Assessment Resolution.

SECTION 10. ANNUAL RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL.

(A) The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, a
Residential Solid Waste Collection Services Special Assessment Roll for the Fiscal Year commencing October 1, 2019, in the manner provided in this Preliminary Assessment Resolution. The Assessment Coordinator shall apportion the estimated Residential Solid Waste Collection Service Assessed Cost to be recovered through Residential Solid Waste Collection Services Assessments in the manner set forth in this Preliminary Assessment Resolution. A copy of this Preliminary Assessment Resolution, the Ordinance, and the Residential Solid Waste Collection Services Special Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Residential Solid Waste Collection Services Special Assessment Roll proposed for the Fiscal Year commencing October 1, 2019 be in printed form if the amount of the Residential Solid Waste Collection Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Residential Solid Waste Collection Services Assessments for the City’s Residential Solid Waste Collection Services as set forth in this Preliminary Assessment Resolution is a fair and reasonable method of apportioning the Residential Solid Waste Collection Services Assessed Cost among parcels of Assessed Property located within the City, as the methodology and apportionment assures that no property is assessed an amount greater than the benefit which it receives from the Residential Solid Waste Collection Services provided by the City through its Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units.

SECTION 11. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m., on September 12, 2019, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71st Avenue, City of North Lauderdale,
Florida, at which time the City Commission will receive and consider any comments on the Residential Solid Waste Collection Services Assessment from the public and affected property owners and consider imposing the Residential Solid Waste Collection Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. NOTICE BY PUBLICATION. The City Manager, or her designee, shall publish notice of the public hearing authorized by Section 11 hereof, in the manner and time provided within the Ordinance. The notice shall be published no later than August 23, 2019, in substantially the form attached hereto as Appendix B.

SECTION 13. NOTICE BY MAIL. The City Manager, or her designee, shall also ensure timely notice by use of the TRIM notice forwarded annually by the Property Appraiser's Office to the Owner of each parcel of Assessed Property within the City, at least twenty (20) days prior to the public hearing, as required by the Ordinance, and the Uniform Assessment Collection Act.

SECTION 14. PROOF OF NOTICE. The City Manager, or her designee, may provide proof of such notice by affidavit, if any is required pursuant to the Ordinance or Resolution.

SECTION 15. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Residential Solid Waste Collection Services Assessments will be utilized for the provision of Residential Solid Waste Collection Services, facilities, and programs by the City, through its Franchise Agreement, or other agreements related to collection and disposal of discarded materials for residential units, as described herein.

SECTION 16. CONFLICT. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.
SECTION 17. 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 18. EFFECTIVE DATE. This Preliminary Assessment Resolution shall take effect immediately upon its passage and adoption.


__________________________________
MAYOR ANA M. ZIADE

___________________________________
ATTEST: VICE MAYOR SAMSON BORGELIN

PATRICIA VANCHERI, City Clerk

APPROVED AS TO LEGAL FORM
BY CITY ATTORNEY:

___________________________________
SAMUEL S. GOREN, ESQUIRE

SSG:MDC
APPENDIX A

ESTIMATED RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT RATE SCHEDULE

SECTION A-1 DETERMINATION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSED COSTS. The estimated Residential Solid Waste Collection Services Assessed Costs to be assessed for the Fiscal Year commencing October 1, 2019, is $1,884,558.

SECTION A-2 ESTIMATED RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENTS. The estimated Residential Solid Waste Collection Services Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment Methodology to generate the estimated Residential Solid Waste Collection Services Assessed Cost for the Fiscal Year commencing October 1, 2019, are hereby established as follows for the purpose of this Preliminary Assessment Resolution:

RESIDENTIAL UNITS: $222.00 PER UNIT
APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To be published no later than August 23, 2019

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of North Lauderdale will conduct a public hearing to consider imposing Residential Solid Waste Collection Services Special Assessments upon Residential Units that receive Residential Solid Waste Collection Services, for the provision by the City of Residential Solid Waste Collection Services to such properties within the City of North Lauderdale.

The hearing will be held at 6:00 p.m., on September 12, 2019, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71st Avenue, City of North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by
the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Clerk of the City at (954) 597-4706, at least seven days prior to the date of the hearing.

The assessment for each parcel of residential property that receives Residential Solid Waste Collection Services from the City will be based upon the total number of Residential units attributed to that parcel, at the amount of $222.00 per unit.

Copies of the Assessment Ordinance, the Preliminary Assessment Resolution and the Preliminary Residential Solid Waste Collection Services Special Assessment Roll are available for inspection at the City Clerk's Office, North Lauderdale City Hall, 701 Southwest 71st Avenue, North Lauderdale, Florida.

The assessments will be collected by the Tax Collector on the ad valorem tax bill to be mailed in November 2019, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Finance Director of the City of North Lauderdale, at (954) 597-4714, Monday through Friday between 8:00 a.m. and 5:00 p.m.

CITY CLERK
CITY OF NORTH LAUDERDALE.
FINANCE DEPARTMENT
MEMORANDUM

TO: Honorable Mayor and City Commission
FROM: Ambreen Bhatti, City Manager
BY: Susan Nabors, Finance Director
DATE: June 11, 2019

SUBJECT: Initial Fee Resolution - Stormwater

The City continues to move forward with transferring the stormwater charge from the utility (water) bill and onto the annual tax bill. This is done by creating a stormwater special assessment.

- First, it creates more timely collection of revenue for the stormwater management program.

- Second, the utility bill will only be for the water and sewer consumption and related charges and will no longer include the stormwater charge. This reduces misunderstandings because the stormwater charge is not consumption-driven, which many individuals associate with a water bill.

- Third, it allows property owners to take advantage of a discount of up to 4% by paying their tax bill early.

On October 30, 2018, the City Commission adopted Resolution 18-10-6572, commonly referred to as the “Intent Resolution,” which initiates the City’s use of the Uniform Assessment Collection Act and expresses the City’s intent to use the Uniform Assessment Collection Act (tax bill method) to collect the Stormwater Management Utility Fee, commencing with the Fiscal Year beginning on October 1, 2019.

On May 28, 2019, the City Commission adopted Ordinance 19-05-1389, which revised sections of the City Code of Ordinances as they relate to the collection of the Stormwater Management Utility Fee to allow for the uniform assessment collection of stormwater on the tax bills.

Tonight, we are seeking your approval of the Initial Fee Resolution which establishes and confirms the method of calculating the cost of stormwater management service, directs the City Manager to prepare or direct the preparation of a preliminary stormwater management utility fee roll based upon the methodology set forth, to establish a public hearing date for the proposed stormwater management utility fees and direct the provision of notices.
As discussed in prior meetings, there will be no change to the methodology for calculating an Equivalent Residential Unit (ERU) for stormwater. Currently, one ERU is equal to 2,138 square feet of impervious surface which is used to calculate the number of ERUs attributable to a property. This will remain the same moving forward.

Currently, the stormwater fee is $6.00 per month per ERU. The rate per ERU will be changed to $72.00/annually ($6.00 x 12 months) beginning October 1, 2019.

For a single-family property (equivalent to 1 ERU) there is currently a charge on the monthly utility (water) bill of $6.00 for stormwater. Under the new method of collection, on the annual tax bill, single-family property owners will pay $72.00 which is calculated as $6.00 x 12 months = $72.00.

For a multi-family property (equivalent to .6 ERU) there is currently a charge on the utility (water) bill of $3.60 for stormwater. Under the new method of collection, on the annual tax bill, multi-family property owners will pay $43.20 which is calculated as $3.60 x 12 months = $43.20.

Non-residential property owners will pay based upon the number of impervious square footage of the property. For many non-residential property owners, this is currently split among various utility bills related to the property. Instead of seeing multiple bills with stormwater charges, the total will be reflected for purposes of collection on the tax bill.

Again, the methodology for the calculation of the number of ERUs is not changing. The means in which the City will collect the fee will be different – transferring it off the water bill and onto the tax bill effective October 1, 2019. The rate per ERU is currently $6.00/monthly and will be changed to $72.00/annually beginning October 1, 2019.

RECOMMENDATION:

The City Administration recommends Commission’s consideration and approval of the attached Initial Stormwater Fee Resolution which establishes and confirms the method of calculating the cost of stormwater management service, directs the City Manager to prepare or direct the preparation of a preliminary stormwater management utility fee roll based upon the methodology set forth, to establish a public hearing date for the proposed stormwater management utility fees and direct the provision of notices. The resolution establishes the annual stormwater fee at $72.00. The resolution also schedules our City’s public hearing on the stormwater assessment rate for Thursday, September 12, 2019, at 6:00 p.m.
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT PROVIDED BY THE CITY’S STORMWATER MANAGEMENT UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING AND CONFIRMING THE METHOD OF CALCULATING THE COST OF STORMWATER MANAGEMENT SERVICE AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTING THE CITY MANAGER TO PREPARE OR DIRECT THE PREPARATION OF A PRELIMINARY STORMWATER MANAGEMENT UTILITY FEE ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER MANAGEMENT UTILITY FEES AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AS FOLLOWS:

ARTICLE 1

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. PURPOSE AND DEFINITIONS. This resolution constitutes the Initial Fee Resolution for the levy of the annual Stormwater Management Utility Fee and collection using the Uniform Assessment Collection Act, as defined in the Ordinance. All capitalized words and terms have the meaning as set forth in the Ordinance. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

“ERU Value”, the City has computed an “ERU Value” of 2,138 square feet of impervious surface, which shall be used to calculate the number of ERUs attributable to each Tax Parcel.
“Ordinance” means Ordinance 19-05-1389, adopted by the Commission on May 28, 2019, as may be amended from time to time and as codified in Chapter 70 of the City’s Code of Ordinances.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

SECTION 1.03. LEGISLATIVE FINDINGS. It is hereby ascertained, determined, and declared that:

(A) The general and legislative findings set forth in the Ordinance, codified in Section 70-232, are incorporated and relied upon herein.

(B) The special benefits provided by the Stormwater Management Services to all Assessed Property located within the Stormwater Service Area (the same area as the Stormwater Improvement Area) include, but are not limited to: (1) the provision of Stormwater Management Services and the availability and use of facilities and improvements by the owners and occupants of Assessed Property to properly and safely detain, retain, convey, and treat Stormwater discharged from Assessed Property; (2) stabilization of or the increase of Developed Property values; (3) increase safety and better access to Assessed Property; (4) improved appearance; (5) rendering Developed Property more adaptable to a current or reasonably foreseeable uses; (6) alleviation of the burdens caused by Stormwater runoff and accumulation attendant with the use
of Assessed Property; and (7) fostering the enhancement of environmentally responsible use and enjoyment of the natural resources within the Stormwater Area.

(C) The Stormwater Management Utility Fees authorized by the Ordinance and this Initial Fee Resolution provide an equitable method of funding the Stormwater Service Cost attributed to Assessed Property by fairly and reasonably allocating the Stormwater Service Cost to specially benefited Assessed Property. Assessed Property is classified on the basis of the Stormwater burden expected to be generated by the physical characteristics and use of such property.

(D) Any shortfall in the expected proceeds from the Stormwater Management Utility Fee due to any reduction or exemption from payment of the Stormwater Management Utility Fee 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 Stormwater Management Utility Fee collected through the Uniform Assessment Collection Act. In the event a court of competent jurisdiction determines any exemption or reduction by the City Commission is improper or otherwise adversely affects the validity of the Stormwater Management Utility Fee imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Stormwater Management Utility Fee upon each affected Tax Parcel in the amount of the Stormwater Management Utility Fee that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel.
ARTICLE II

STORMWATER MANAGEMENT UTILITY FEES

SECTION 2.01. STORMWATER SERVICE AREA.

(A) The City Commission hereby establishes the entire incorporated area of the City of North Lauderdale as the Stormwater Service Area/Stormwater Improvement Area (collectively, the Stormwater Service Area.)

(B) The Stormwater Management Utility shall provide Stormwater Management Services to all Assessed Property within the Stormwater Service Area. All or any portion of the Stormwater Service Cost may be funded from the proceeds of the Stormwater Management Utility Fees.

(C) The Stormwater Management Utility may also acquire and construct capital facilities to assist and facilitate the provision of Stormwater Management Services within the Stormwater Service Area.

SECTION 2.02. IMPOSITION AND COMPUTATION.

(A) A Stormwater Management Utility Fee shall be imposed against all Assessed Property within the Stormwater Service Area. The Stormwater Service Cost shall be assessed against all Tax Parcels of Assessed Property within the Stormwater Service Area at a rate of assessment based upon the special benefit accruing to such Assessed Property from the City’s provision of Stormwater Management Services, measured by the number of ERUs attributable to each Tax Parcel.

(B) The Stormwater Management Utility Fee will be computed for each Tax Parcel of Developed Property located within the Stormwater Service Area by multiplying the number of ERUs attributable thereto by $72.00 annually.
(C) The City Commission hereby finds that the rate per ERU of $72.00 ensures that the aggregate Stormwater Management Utility Fee within the Stormwater Service Area does not exceed the Stormwater Service Cost for the Stormwater Management Utility for the Fiscal Year beginning on October 1, 2019.

(E) The total Stormwater Service Cost to be funded by the Stormwater Management Utility Fees hereby shall be $1,183,100.00.

(F) Any state law requirements for exemptions, including without limitation, condominium and HOA common areas, shall apply to the Stormwater Management Utility Fee.

SECTION 2.03. STORMWATER MANAGEMENT UTILITY FEE ROLL.

The City Manager is hereby directed to prepare, or direct the preparation of, the updated Stormwater Management Utility Fee Roll for the Stormwater Management Utility Fee in the manner provided in the Ordinance. A copy of this Initial Assessment Resolution and the Stormwater Management Utility Fee Roll for the Stormwater Management Utility Fee shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Stormwater Management Utility Fee Roll be in printed form if the amount of the Stormwater Management Utility Fee for each Tax Parcel can be determined by use of an available computer terminal.

SECTION 2.04. METHOD OF COLLECTION

(A) The Stormwater Management Utility Fee levied on all Assessed Property on the Stormwater Management Utility Fee Roll will be collected using the Uniform Assessment Collection Act.
(B) The City may bill the Stormwater Management Utility Fee on Assessed Properties for which the Uniform Assessment Collection Act does not apply by any other legally available means.

ARTICLE III
DETERMINATION OF ERUs

SECTION 3.01. CLASSIFICATION OF TAX PARCELS. Each Tax Parcel located within the Stormwater Service Area shall be assigned to one of the following classifications set forth in Section 70-212 of the City’s Code of Ordinances: Single-family Residential Property; Multifamily Residential Property; Nonresidential Property.

SECTION 3.02. SINGLE-FAMILY RESIDENTIAL PROPERTY PARCELS.

(A) The Commission hereby finds and determines as follows:

(1) The cost of measuring or verifying the Impervious Area for each individual Single-Family Residential Property greatly exceeds any benefit to be derived from individual measurement and verification.

(2) Through a statistically valid sampling procedure, including review of City data and the ad valorem tax roll information for residential properties within the City, it has been determined that the average Single-Family Residential Property within the Stormwater Service Area contains 2,138 square feet of Impervious Area.

(B) The City has determined that all Single-Family Residential Properties within the Stormwater Service Area are likely to have a similar impact on the Stormwater system; therefore, it is fair and reasonable to assign one (1) ERU to each Single-Family Residential Property.
SECTION 3.03. MULTIFAMILY RESIDENTIAL PROPERTY PARCELS

For Multifamily Residential Property Parcels, the fee shall be calculated using the formula in Section 70-212 of the City’s Code of Ordinances, which is each multifamily unit shall be considered as 0.6 ERUs, and the fee will charged accordingly (0.6 * $72.00 = $43.20 per multifamily unit).

SECTION 3.04 NON-RESIDENTIAL PROPERTY PARCELS.

For Non-Residential Property, the impervious area of the property is the determining factor as to the calculation of the Stormwater Management Utility Fee. The Fee for Non-Residential Property shall be calculated using the formula set forth in Section 70-212 of the City’s Code of Ordinances, then established as a total annual fee for collection pursuant to this Resolution.

ARTICLE IV

NOTICE AND PUBLIC HEARING

SECTION 4.01. PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m. on September 12, 2019, at North Lauderdale City Hall, 701 SW 71st Avenue, North Lauderdale, Florida 33068, to consider imposition of the Stormwater Management Utility Fees and their collection pursuant to this Initial Fee Resolution.

SECTION 4.02. NOTICE BY PUBLICATION. The City Manager, or her designee, shall publish a notice of the public hearing authorized by Section 4.01 hereof in the manner and the time provided in the Ordinance. The published notice shall be in substantially the form attached hereto as Appendix A.
SECTION 4.03. NOTICE BY MAIL. The City Manager, or her designee, shall, at the time and in the manner specified in the Ordinance, provide mailed notice of the public hearing authorized by Section 4.01 hereof, including through the annual TRIM notice, to each property owner proposed to be assessed at the address indicated on the Tax Roll.

ARTICLE V
GENERAL PROVISIONS

SECTION 5.01. ADJUSTMENT OF ERUs

(A) Petitions for review of the number of ERUs attributed to any Tax Parcel shall be submitted to the City’s SMU Director, who shall have authority to correct any errors made in applying the provisions of this Initial Fee Resolution to the Tax Parcel. The following procedures shall apply to all petitions.

(1) Each petition shall be made in writing to the City’s SMU Director by the owner of the Tax Parcel or such owner’s authorized agent, setting forth, in detail, the grounds upon which adjustment is sought.

(2) The petition must be filed with the City’s SMU Director within thirty (30) days of the receipt of the mailed notice and shall be reviewed by the City’s SMU Director, or his designee within thirty (30) days of the date of receipt by the City. The petitioner may be required, at petitioner’s own cost, to provide supplemental information to the City’s SMU Director including, but not limited to, survey data approved by a professional land surveyor and/or engineering reports approved by a professional engineer. Failure to provide such information may result in the denial of the petition.
(3) The City’s SMU Director shall provide a response in writing, and his or her
determination shall be final.

(4) The filing of a petition shall not extend the time for payment of any Stormwater
Management Utility Fee. If the number of ERUs is adjusted for any Tax Parcel, the Stormwater
Management Utility Fee shall be corrected by the City. If the Stormwater Management Utility
Fee has been paid prior to adjustment of the number of ERUs, the City shall refund the amount
by which the Stormwater Management Utility Fee has been reduced, adjusted for any early
payment discount taken by the owner.

(5) The City Manager, or her designee, may initiate adjustments to the number of
ERUs attributed to any Tax Parcel. If the number of ERUs is reduced for any Tax Parcel, the
Stormwater Management Utility Fee shall be corrected in accordance with the Ordinance. In
such event, if the Stormwater Management Utility Fee has been paid prior to adjustment of the
number of ERUs, the City shall refund the amount by which the Stormwater Management Utility
Fee has been reduced. If the number of ERUs is increased for any Tax Parcel, the adjustment
shall become effective for Stormwater Management Utility Fees in subsequent Fiscal Years.

SECTION 5.02. 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 5.03. CONFLICT. All resolutions or parts of resolutions in conflict
herewith be, and the same are hereby repealed to the extent of such conflict.

SECTION 5.04. EFFECTIVE DATE. This Resolution shall become
effective immediately upon its passage and adoption.

APPROVED AS TO FORM:

______________________________
CITY ATTORNEY SAMUEL GOREN

______________________________
MAYOR ANA M. ZIADE

______________________________
VICE MAYOR SAMSON BORGELIN

ATTEST:

______________________________
PATRICIA VANCHERI, CITY CLERK
APPENDIX A

FORM OF NOTICE TO BE PUBLISHED
Notice is hereby given that the City Commission of City of North Lauderdale, Florida ("City"), will conduct a public hearing to consider imposing Stormwater Management Utility Fees within the City of North Lauderdale, as shown above, and collecting such on the annual Property Tax Bills.

The hearing will be held at 6:00 p.m. on September 12, 2019, in the City Commission Chambers of City Hall, 701 SW 71st Avenue, North Lauderdale, Florida, 33068 for the purpose of receiving public comment on the proposed Stormwater Management Utility Fees. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk’s office at (954) 597-4706 at least seven days prior to the date of the hearing.
The Stormwater Management Utility Fees have been proposed to fund the City’s cost to provide Stormwater Management Service within the City of North Lauderdale, as shown above. The Stormwater Management Utility Fees are based upon the estimated amount of stormwater runoff generated by impervious surface on the property. Impervious surfaces include the rooftop, patios, driveways, parking lots, and similar areas. The City has determined that the average Residential Property in the Stormwater Service Area includes 2,138 square feet of impervious surface, which is defined as the “Equivalent Stormwater Unit” or “ERU Value.” The annual Stormwater Management Utility Fee rate for the Fiscal Year beginning October 1, 2019, will be $72.00 for each ERU. Each single-family residential property in the City will be charged for one ERU, which is $72.00 for the Fiscal Year beginning October 1, 2019. Each multifamily residential unit will be charged 0.6 ERUs, or $43.20 per unit.

Generally, the number of ERUs is calculated for each parcel of Nonresidential Property by dividing the impervious surface area by the ERU value of 2,138 square feet. A more specific description is set forth in Chapter 70 of the City’s Code of Ordinances, and the Initial Fee Resolution adopted by the City Commission on June 11, 2019. Copies of the Ordinance, the Initial Fee Resolution and the Stormwater Management Utility Fee Roll are available for inspection at the Office of the City Clerk, City Hall, 701 SW 71st Avenue, North Lauderdale, Florida 33068.

The Stormwater Management Utility Fees will be collected on the ad valorem tax bill to be mailed in November 2019, as authorized by section 197.3632, Florida Statutes. Failure to pay the Stormwater Management Utility Fees will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Finance Department at (954) 597-4714, Monday through Friday between 8:00 a.m. and 5:00 p.m.

CITY CLERK
OF NORTH LAUDERDALE, FLORIDA
AGENDA

1. CALL TO ORDER – Chairman Moyle

2. ROLL CALL -
   Chairman Rich Moyle
   Vice Chair Lorenzo Wood
   Secretary Mario Bustamante
   Supervisor Samson Borgelin
   Supervisor Ana M. Ziade
   Administrator George Krawczyk
   District Attorney Samuel S. Goren
   District Clerk Patricia Vancheri

3. APPROVAL OF MINUTES
   a. March 25, 2019

4. ELECTION OF CHAIRMAN & VICE-CHAIR
   a. Call from Chair for Board Member nominations for Chair
      • Close of nominations
      • Board discussions and vote
   b. Call from Chair for Board Member nominations for Vice-Chair
      • Close of nominations
      • Board discussions and vote
   c. Discussion and Clarification of Title of Board Secretary
   d. Discussion and Clarification of Administrator

5. RESOLUTION – Preliminary Water Control District Rate
   • Motion, second and vote to read
   • Attorney reads title
   • Staff presentation (Susan Nabors, Treasurer)
   • Motion and second to adopt
   • Discussion
   • Vote

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; ESTABLISHING THE ESTIMATED ASSESSMENT RATE OF $100.00 FOR WATER MANAGEMENT SYSTEM ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

6. GENERAL DISCUSSION

7. ADJOURNMENT
The North Lauderdale Water Control District met at the Municipal Complex on Monday, March 25, 2019.

1. CALL TO ORDER – Chairman Moyle called the meeting to order 10:00 a.m.

2. ROLL CALL – Clerk called roll. All present.
   Chairman Rich Moyle
   Vice Chair Lorenzo Wood
   Supervisor Samson Borgelin – by Telephone
   Secretary Mario Bustamante
   Supervisor Ana M. Ziade – by Telephone
   Administrator George Krawczyk
   City Attorney Jacob Horowitz
   District Clerk Patricia Vancheri

Administrator George Krawczyk presented a brief summary on the North Lauderdale Water Control District structure and operations. He provided information on the network for the designated zones of the city canals under the North Lauderdale Water Control District authority. Mr. Krawczyk reviewed the team’s routine which includes the inspection of canals, application of chemicals, and debris cleaning. He referenced the stormwater master plan with regards to drainage of the roadways, the culverts, canal dredging and specifically the pumps on the C-14 canal to control drainage issues. He also reviewed the aquatics process and the application of chemicals and the use of a harvester. Chairman Moyle inquired if using a smaller harvester would eliminate the need to apply chemicals. Mr. Krawczyk advised that chemicals would still need to be used. The combination of spraying the chemical and removing the material is needed. He stated that there is a new small harvester machine being requested for this year’s budget. Vice Chair Wood questioned the mechanisms that will be used to educate the residents particularly those residents that live along the canal system. He suggested door hangers. Mr. Krawczyk mentioned including information in the city newsletter. Vice Chair Wood inquired on the certification process for the employees. Mr. Krawczyk explained the certification process for the canal district employees, which are considered a separate entity and the opportunities for in-house promotions. Chairman Moyle commented on educating residents on how fertilizer washes into the water causing the aquatics to grow which may reduce the need for chemicals. He also mentioned previous efforts to address legislature to eliminate phosphorous in fertilizer. There was brief discussion on aquatics and growth in the canal. Chairman Moyle pointed out that the main job of the Water Control District is to move the water as part of the aquatics and the culverts can do that. Supervisor Ziade commented on implementing using flyers and door hangers to provide general information and to notify residents of the chemicals being sprayed. There was consensus on using door hangers to provide information to residents. Secretary Bustamante inquired on any possible programs for a generic fertilizer to distribute to residents.
that live along the canal to use in their backyard. Chairman Moyle explained that there is low phosphorous fertilizer that will not create aquatic growth which can be suggested on the door hangers for residents to use.

3. APPROVAL OF MINUTES


b. March 12, 2019 – Supervisor Borgelin moved to approve the Minutes as submitted. Seconded by Supervisor Ziade. Minutes approved unanimously by voice vote.

4. NEW BUSINESS

- The Act: HB 1561
  “WATER A COMMON ENEMY”
- Interlocal Agreement between Water Control District and City of NL

Chairman Moyle briefly reviewed the background and the purpose of HB 1561 and the North Lauderdale Water Control District.

a. Discussion and possible motion regarding hiring an independent Director for the Water Control District (Chair Moyle) Section 16, Line 519 to 528

Chairman Moyle discussed reasons for hiring an independent Director. He stated that the administration has a lot of important work being done in the City and the Administrator was not necessarily available. He explained that the (WCD), Water Control District used to be handled by an independent firm but it is now under the control of the City of North Lauderdale. He advised that over time the culverts have not been cleaned. Chairman Moyle emphasized the important role of the Water Control District as the authority of the district to make sure the residents are protected from flooding due to increasing rain events. He provided examples of flood incidents that have taken place in the State of Florida and in the City. Chairman Moyle spoke on hiring an independent Director providing that this is considered a separate entity, with the ability to make changes such as replacing or firing a Director if the job is not getting done.

City Manager Ambreen Bhatty requested more information on the role of the independent Director with regards to the crew, staff and the city staff. She advised that Public Works Director George Krawczyk is responsible for a lot of other Public Work related items. The City has an Assistant Public Works Director, Shani Grant, who is also an Engineer with a lot of experience with water bodies and involved with the permitting for the water plant. She worked with NRCS during Hurricane Irma to evaluate the canals within the city boundaries. City Manager Bhatty proposed that George Krawczyk remain in the title of Administrator and Assistant Director Grant to be responsible for overseeing the day to day operations of the Water Control District and report directly to the WCD or through George Krawczyk. A vendor and or contractor would be hired to manage specific projects that require an expertise for pump and dredging projects. She advised that hiring an independent contractor could be very expensive and maintaining an in-
Director would provide more control for overseeing the evaluation and operation of the crew. City Manager Bhatt also advised that a quarterly or monthly update report can be provided to the Water Control District. Vice Chair Wood requested outlining the duties of the Assistant Public Works Director Grant’s responsibilities in this capacity. There was a brief discussion on the responsibilities that will be assigned to the Director and the Assistant Director. Chairman Moyle commented that he understands that being the Administrator is not a full-time job. He thought having an independent company to oversee the aspects of cleaning the culverts and possibly doing the dredging would help. He commented that he does not want to burden anyone with extra work and just wants to see the work completed. City Manager Bhatt explained the implementation of a road map program to identify the problem areas to include creating a schedule for the cleaning of the culverts. There was a brief discussion reiterating the capabilities and experience of Assistant Public Works Director Grant as Administrator. Krawczyk advised that he and the Assistant Public Works Director Grant are both Water Resources Engineers.

b. Discussion and possible motion to contract with a firm to schedule inspections and the cleaning of culverts (Chair Moyle) Section 3, Line 154 to 185

Administrator Krawczyk presented information on the schedule of inspections for the cleaning of the culverts. He provided an update and reviewed the location of the culverts that were inspected and identified in a summary sheet provided to the (WCD), Water Control District. He explained there are fourteen (14) culverts identified that need maintenance and they will be placed on a schedule to be addressed first. There will be annual inspections which will be included in the budget. Mr. Krawczyk provided an example of a typical report received from a vendor which identifies the culvert locations, conditions of the pipes, any obstructions and the graphic documenting the culvert by divers. He presented a video showing the inspection of the culverts by the divers as indicated in the report distributed to WCD. Chairman Moyle inquired if Hampton Blvd and Tam O’ Shanter Blvd flooded last year due to the risk to road traffic as identified in the report. Mr. Krawczyk advised that there are several culverts that have some blockage that will be removed for the water to flow better which include those areas. The culverts that have some obstruction were targeted to be cleared before the rainy season. Vice Chair Wood inquired on SW 14 St and SW 82 Ave, areas identified as totally blocked in the report. Mr. Krawczyk advised that there is a percentage that each culvert is rated and that a program for additional cleaning to help with the drainage will be provided. Vice Chair Wood inquired what else can be done for ST RD 7 and Kimberly Blvd. Mr. Krawczyk explained that once they are able to go all the way through [the culvert] they will have a summary report. There was some discussion on the Blvd of Champions north bridge area and the shallow water bodies and soil that clog the pipes. Supervisor Borgelin ended his participation by teleconference at the WCD meeting at this time due to catching a flight. Secretary Bustamante inquired on obtaining larger pipes identified in line six (6) and line thirteen (13) that are affecting the other areas. Mr. Krawczyk advised that the larger pipes are a future goal of the master plan. The first part of the program is to identify the problem areas and then moving forward there will be a road map to determine pipes that may need to be sized up.
c. **Discussion and possible motion to create a Water Control District Seal** (Chair Moyle) Section 3, Line 155

Chairman Moyle commented on creating a seal that can be placed on signs at the canal crossing locations. There was a discussion regarding the corporate seal from 1963 designated for the WCD that was recorded with the State and a new design concept for a (WCD), Water Control District seal. Vice Chair Wood commented on the importance in using an official seal on documents. There was discussion on using the official WCD seal for documents and using an up to date seal for promotional purposes. **Vice Chair Wood moved to adopt the second conceptual rendering for the new seal for advertisement and for promoting of the North Lauderdale Water Control District. Seconded by Secretary Bustamante. MOTION PASSED.**

d. **Discussion regarding research on funding options and denominations of funding for canal and waterway dredging, bridges, repairs and maintenance** (Chair Moyle) Section 3, Line 161 to 174 and 180 to 189

Susan Nabors, Finance Director presented information on different funding options for (WCD), Water Control District projects. She reviewed the maintenance tax that covers the recurring cost for the WCD. She discussed the option to issue bonds as authorized in the Special Act HB 1561. Mrs. Nabors explained that the City can issue principle of bonds up to 90% of the value of the benefits from the work or improvements that are done in the canal district. That value of benefits is determined by the engineer that is hired. The debt services are paid through an increase in the annual assessment to repay the principal as well as the debt. Chairman Moyle inquired if that is a separate fee from the actual WCD assessment. Mrs. Nabors responded that is correct; if bonds were issued it would be on top of the maintenance costs for improvements in the WCD. She provided a financial example on issuing bonds for discussion purposes. There is a pay as you go option which means you fund an annual amount on a portion of the project which varies on how much the residents are assessed as part of the funding for the improvements. She advised another option would be a loan from the general fund or the bank. The City is a separate legal entity from the Water Control District. The City generates money to pay for city operations and not WCD operations and a loan from the general fund would need to be short term. Mrs. Nabors also discussed other funding options such as getting a loan from the bank, obtaining a line of credit and the opportunities for receiving grant funds. She advised that once the master plan is developed it will assist with providing supporting documentation for grant applications. City Manager Bhatty commented on the importance of the road map to assist with applying for grants. Mrs. Nabors provided information on the pros and cons of the different kinds of funding options. She also presented a sample assessment analysis using a 20 million project estimate to illustrate the impact to the assessment rate depending on the different options for funding improvement projects selected.

e. **RESOLUTION - Designation of the City Clerk as Secretary of the Water Control District** (Chair Moyle) Section 5, Lines 238 to 241

Vice Chair Wood moved to read. Seconded by Supervisor Ziade. Attorney Sherman read:
A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, FLORIDA DESIGNATING THE CITY CLERK AS SECRETARY FOR THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Vice Chair Wood moved to adopt the resolution. Seconded by Secretary Bustamante. All were in favor.
RESOLUTION# 19-03-01 PASSED AND ADOPTED UNANIMOUSLY

f. RESOLUTION - Designation of the Finance Director as Treasurer of the District (Chair Moyle) Section 7 (2), Lines 270 to 275

Vice Chair Wood moved to read. Seconded by Secretary Bustamante.
Attorney Sherman read:

A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, FLORIDA DESIGNATING THE CITY FINANCE DIRECTOR AS TREASURER FOR THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Vice Chair Wood moved to adopt. Seconded by Secretary Bustamante. All were in favor.
RESOLUTION 19-03-02 PASSED AND ADOPTED UNANIMOUSLY

g. Discussion of storm water fees for commercial properties (Chair Moyle)

Chairman Moyle stated that he requested information on fees because he believes there are large property owners that may not be paying what they should be paying for storm water fees. Treasurer Susan Nabors briefly presented on the storm water fees for commercial properties. She provided information on the storm water fees paid by Teleperformance and Walmart. Chairman Moyle inquired if that goes into our storm water fee on the City side and not on the Water Control District side. Mrs. Nabors responded yes, that is correct and she provided the fees paid per ERU, (Equivalent Residential Unit), for the storm water. Vice Chair Wood commented that he is interested in knowing the revenue being generated from Home Depot and Off Lease Auto Mall, and all the larger parcels of land within the district. Mrs. Nabors advised she will provide a report.

h. Discussion on naming of canal system (Chair Moyle)

Chairman Moyle advised that after reviewing the Broward County map that the name of the canal system is the Stranahan River which begins at the inlet of the Port Everglades. There was some discussion on confirming that the canals are part of the Stranahan River and a marketing signage package to include the name with the new seal to be placed at the canal crossings. Chairman Moyle commented that he was looking more for an aesthetic appeal to the canal system which is attractive to people that want to purchase property and that brings attention that the waterway system actually has a name.
i. RESOLUTION – Approving Funding for the Stormwater Master Plan

Vice Chair Wood moved to read. Seconded by Secretary Bustamante.
Attorney Sherman read:

A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, FLORIDA AUTHORIZING FUNDING TOWARD THE STORMWATER MASTER PLAN IN AN AMOUNT NOT TO EXCEED $99,330 THROUGH A CONTRACT EXECUTED BY THE CITY OF NORTH LAUDERDALE WITH CRAVEN THOMPSON AND ASSOCIATES, INC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Administrator George Krawczyk presented the item based on the back up memorandum. He reviewed the stormwater master plan. The City Staff is proposing to provide a road map to study and analyze to plan for funding projects. They are proposing to use Craven Thompson and Associates for professional structural and architectural services. Mr. Krawczyk reviewed the scope of work that will be performed by the consultant as outlined in the memorandum. Vice Chair Wood moved to authorize the funding for the stormwater master plan in an amount not to exceed $99,330. Seconded by Secretary Bustamante. Clerk took roll. All YES.

RESOLUTION 19-03-03 PASSED AND ADOPTED UNANIMOUSLY

5. GENERAL DISCUSSION

Vice Chair Wood commented that other cities are pumping stormwater into the C-14 whereas the City of North Lauderdale still uses a gravitation method. He proposed taking a field trip to the C-14 to see where the water is gravitating to the C-14 canal to determine the needs there. Chairman Moyle commented that with a pump the canal can be lowered when there is going to be a rain event. He requested to have photographs taken of the C-14 canal to determine the conditions. Administrator Krawczyk advised the canal can be accessed by vehicle at two entrance points to take photographs. Chairman Moyle thanked the administration for their hard work.

6. ADJOURNMENT – The meeting adjourned at 12:00 pm.

Respectfully submitted,

Patricia Vancheri, MMC
Transcribed by Deputy Clerk Garcia-Beckford
North Lauderdale Water Control District
INTEROFFICE MEMORANDUM

TO: Rich Moyle, Chairman
FROM: George Krawczyk, Administrator
DATE: June 11, 2019
RE: Annual Election of Chairman and Vice Chair

In accordance with the Laws of Florida, Ch. 205-316, Sec. 4 (3) and Sec. 5, the North Lauderdale Water Control District has the responsibility to hold an annual meeting of the Board of Supervisors during June, at which time the Board elects from its members a Chairman and Vice Chair, who shall serve in said positions until the next annual meeting or until expiration of his or her term, whichever occurs first.

Two positions of the Board of Supervisors were vacated at the time of the November 2018 election. At the January 29, 2019 meeting, the Board elected Supervisor Lorenzo Wood as Vice Chair and Supervisor Mario Bustamante was elected as Secretary. Therefore, both these appointments have been in effect for less than one year. At this time, the Board has an option to choose to allow the January appointments to fulfill the term through the annual meeting in June of 2020 or to make new appointments in effect through June 0f 2020. Sec. 5 also has a provision to designate the City Clerk of the City of North Lauderdale as the Secretary of the Board. That action was taken at the March 29, 2019 meeting, however since Supervisor Bustamante is currently serving as Secretary, we need some clarification.

In addition, there was discussion at the Water Control District meeting of March 25, 2019, wherein the Board gave a consensus with regard to the appointment of Administrator. A motion would be in order to clarify the appointment of Administrator.
or proper in connection with any of the powers or duties of said district stated in this act or chapter 298, Florida Statutes. The powers and duties of said district shall be exercised by and through the board of supervisors thereof, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may from time to time determine and to fix their compensation and duties.

Section 4. Board of supervisors; organization; powers, duties, and terms of office.—There is hereby created a Board of Supervisors of North Lauderdale Water Control District, which shall be the governing body of said district. The board of supervisors of said district shall be composed of five members, who shall be the five sitting members of the City Commission of the City of North Lauderdale.

(1) The term of office of each member of the board of supervisors shall be coincidental with that member’s term of office as a member of the city commission. Each member shall assume full duties as a member of the board of supervisors once he or she takes the oath of office as a member of the city commission.

(2) Terms of office for the board of supervisors shall be concurrent with the length of time the commission member is in office.

(3) An annual meeting of the board of supervisors shall be held during the first week of June and otherwise in accordance with this act. At the annual meeting of the board of supervisors and as necessary to fill a vacancy, the board shall elect, from its members, a chair and a vice chair, who shall serve in said positions until the next annual meeting or expiration of his or her term, whichever occurs first.

Section 5. Meetings of board of supervisors.—The board of supervisors shall have the power to call special meetings at any time to receive reports or consider and act upon any matter. Notice of all meetings shall be given by the board of supervisors by causing publication thereof to be made once at least 7 days prior to such meeting in some newspaper published in Broward County or by sending notice through the mail to each landowner. In cases of emergency as determined by a majority of the board, this notice requirement may be waived. The meetings shall be held in some public place in accordance with chapter 286, Florida Statutes, and the place, day, and hour of holding such meeting shall be stated in the notice. The chair of the board of supervisors shall preside at such meeting. The City Clerk of the City of North Lauderdale shall serve as the secretary of the board of supervisors at all meetings. The Board of Supervisors of the North Lauderdale Water Control District shall meet not less than 3 times per year to conduct the business of the district as provided for in this act.

Section 6. Compensation of the board.—Each supervisor shall serve without compensation, except that he or she shall be reimbursed for his or her travel expenses pursuant to section 112.061, Florida Statutes, as may be amended from time to time, for each mile actually traveled in going to and from his or her place of residence to the place of meeting.
INTERDEPARTMENTAL
MEMORANDUM

TO: Chairman and Board of Supervisors
North Lauderdale Water Control District

FROM: Ambreen Bhatti, City Manager

BY: George Krawczyk, District Administrator
 Susan Nabors, Finance Director

DATE: June 11, 2019

SUBJECT: Preliminary Water Control District Rate Resolution

Attached for your consideration is the Administration’s proposed Preliminary Rate Resolution for the North Lauderdale Water Control District (District).

*Background:* Chapter 2005-316, Laws of Florida, amended, reenacted, repealed and codified all previous Chapters relating to the District. Chapter 2005-316, Laws of Florida, also revised the District’s boundaries to be the same as the City’s, confirmed the District’s authority to levy non ad-valorem special assessments and provided for several other administrative matters.

*Current Operations:* The District intends to persist in eliminating evasive species of aquatic growth in the canals and lakes and maintain water flows. The District will continue to work closely with Code Enforcement to address violations of illegal dumping of debris that may have impeded the flow of water without the involvement of the City. The District will also continue to attempt to find a cost effective means to identify canal bank erosion issues.

The City contracted a consultant, Craven Thompson and Associates, to prepare a Stormwater Master Plan. The consultant will investigate and analyze the existing stormwater system and canal network and develop a report including tables, charts, maps, calculations, cost estimates and recommendations for potential improvements based on the findings of the analysis. This report is expected to be ready at the end of fiscal year 2019. In addition to the regular operational costs of the District, the Districts will need to fund improvements for FY 2020 and maintain Fund Balance.

As those specific projects are unknown at this time, it is recommended to maintain the assessment at $100.00 to be in a position to fund upcoming improvements and maintain Fund Balance.
**Rate Analysis:** The WCD assessment rate was held steady at $55.15 for twelve (12) straight years. The reason it was not increased over these years is that until recently, the District had a good amount of Fund Balance to address emergency situations. In fiscal year 2019, the WCD assessment rate was changed to $100.00 to address increased operational costs and repairs to canal banks. With upcoming improvements that will come out of the Master Plan and to maintain Fund Balance for emergency situations, Administration recommends to maintain the WCD assessment rate at $100.00 for fiscal year 2020. Remember, as this assessment is collected via the tax bill method, discounts of up to 4% are available for early payment of the tax bill.

The resolution schedules the Water Control District public hearing on the assessment for Thursday, September 12, 2019, at 6:00 p.m.

**RECOMMENDATION:**

The Administration recommends the Board of Supervisors’ consideration and approval of the attached preliminary rate resolution relating to the provision of Water Control and Drainage Services, Facilities and Programs (the “Water Management System”) within the geographical boundaries of the District; establishing the estimated assessment rate of $100.00 for Water Management System Assessments for the fiscal year beginning October 1, 2019; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof.
RESOLUTION NO. ________________

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; ESTABLISHING THE ESTIMATED ASSESSMENT RATE OF $100.00 FOR WATER MANAGEMENT SYSTEM ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted Chapter 63-661, Laws of Florida, as amended, which created the North Lauderdale Water Control District (“DISTRICT”) and authorized the imposition of a Water Management System Assessment to fund water control and drainage services, facilities, and programs within the DISTRICT;

WHEREAS, in 1997, the Florida Legislature enacted House Bill 1875 which amended Chapter 63-661, Laws of Florida, as amended, converting the DISTRICT into a “dependant district” as defined in section 189.4041, Florida Statutes; and

WHEREAS, Chapter 2005-316, Laws of Florida, which codified House Bill 1043, amended, reenacted, repealed and codified all previous Chapters relating to the DISTRICT, revised the boundaries and authority of the DISTRICT, confirmed the authority of the DISTRICT to levy non ad valorem special assessments, and provided for several other administrative matters; and,

WHEREAS, as a result of Chapter 2005-316, Laws of Florida, the boundaries of the DISTRICT now includes all property that benefit from the Water Management System operated by the DISTRICT, and therefore can be assessed for the benefits those properties receive from the Water Management System; and,
WHEREAS, the DISTRICT is authorized to impose non-ad valorem special assessments pursuant to section 189.05, Florida Statutes, and the Special Acts; and

WHEREAS, the Board of Supervisors of the DISTRICT finds that the cost of operation for the Water Management System in the DISTRICT during fiscal year 2019-2020 will be $1,231,000; and

WHEREAS, it is fair and reasonable to impose a non-ad valorem special assessment upon specially benefited property within the DISTRICT to fund a portion of the costs of the Water Management System (Water Management Assessment Costs) in the DISTRICT; and,

WHEREAS, the Board of Supervisors determines that such operations, repairs and maintenance of the Water Management System are uniformly required within all Units of the DISTRICT, as each is connected and receive equal benefit through the operations and maintenance of the DISTRICT’S Water Management System; and

WHEREAS, the Board of Supervisors for the DISTRICT finds that there are 12,778 Assessable Units within 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 63-661, as amended by Chapter 82-273, Laws of Florida, Chapter 94-428, Laws of Florida, House Bill 1875 (adopted in 1997), Chapter 2005-316, Laws of Florida, (collectively, the “Special Acts”), Chapters 189 and 298, Florida Statutes, and other applicable provisions of law.
SECTION 3. PURPOSE AND DEFINITIONS. This Resolution constitutes the Preliminary Rate Resolution which initiates the annual process for imposing the annual special assessments, as authorized in the SPECIAL ACTS and Chapter 189, Florida Statutes, updates the Assessment Roll and directs the re-imposition of Water Management System Assessments for the Fiscal Year beginning October 1, 2019. 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 4. PROVISION AND FUNDING OF THE DISTRICT'S WATER MANAGEMENT SYSTEM.

(A) Upon the imposition of Water Management System Assessments for water control and drainage services, facilities, and programs against Assessed Property located within the DISTRICT, the DISTRICT shall provide a Water Management System as provided in the SPECIAL ACTS to such Assessed Property. The Assessed Costs for the Water Management System include a portion of any and all costs associated with providing such Water Management System within the DISTRICT, as described in the SPECIAL ACTS.

(B) It is hereby ascertained, determined and declared that each assessable unit located within the DISTRICT will be benefited by the DISTRICT’S provision of a Water Management System in an amount not less than the Water Management System Assessment imposed against such unit, computed in the manner set forth herein, and in the SPECIAL ACTS and Chapters 189 and 286, Florida Statutes.
SECTION 5. IMPOSITION AND COMPUTATION OF WATER MANAGEMENT SYSTEM ASSESSMENTS. Water Management System Assessments shall be imposed upon all assessable units within the District. Water Management System Assessments shall be computed in the manner set forth in the SPECIAL ACT.

SECTION 6. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT, FAIR APPORTIONMENT, AND PARCEL APPORTIONMENT METHODOLOGIES.

(A) Special Benefit: The findings set forth in the SPECIAL ACT, regarding the necessity for the DISTRICT’S Water Management System, are incorporated herein, and provide the requisite special benefit and logical relationship between the Water Management System and real property so as to permit the Water Management System to be funded by non-ad valorem special assessment.

(B) Fair and Reasonable Apportionment: It is fair and reasonable to equally apportion the Assessed Costs of the Water Management System upon the assessed units, as each assessed unit receives equal benefits from the DISTRICT’S Water Management System, and the amount of the assessment on each of the assessed units does not exceed the benefits received by each assessed unit from the DISTRICT’S Water Management System.

(C) Units: Assessable Units shall be calculated on a per acre basis. Each tract or parcel of land within the DISTRICT that is less than one acre shall be assessed as one full acre (one unit). Each tract or parcel of land of more than one (1) acre, which contains a fraction of an acre, shall be assessed at the nearest whole number of acres, a fraction of one-half (1/2) acre or more shall be assessed as a full acre.
SECTION 7. DETERMINATION OF WATER MANAGEMENT SYSTEM ASSESSED COSTS; ESTABLISHMENT OF ANNUAL WATER MANAGEMENT SYSTEM ASSESSMENT RATES.

(A) The Water Management System Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2019, is $1,232,450. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 201, is $100.00 per Unit. The approval of the Estimated Water Management System Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the Water Management System Assessed Costs. The remainder of such 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.

(B) The estimated Water Management System Assessments specified herein are hereby established to fund the costs of the Water Management System to be assessed in the Fiscal Year commencing October 1, 2019.

(C) The estimated Water Management System Assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Broward County Property Appraiser in the preparation of the updated Assessment Roll for the Fiscal Year commencing October 1, 2019 as provided in this Preliminary Rate Resolution.

SECTION 8. ANNUAL ASSESSMENT ROLL.

(A) The Broward County Property Appraiser is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2019, in the manner provided herein and Section 197.3632, Florida Statutes. The updated Assessment Roll
shall include all units within the DISTRICT. The Broward County Property Appraiser shall apportion the estimated Water Management System Costs to be recovered through Water Management System Assessments in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the SPECIAL ACT, and the updated Assessment Roll shall be maintained on file in the office of the Agency Clerk of the DISTRICT and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 2019, be in printed form if the amount of the Water Management System Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Water Management System Assessments for water control and drainage services as set forth in the SPECIAL ACTS and this Preliminary Rate Resolution is a fair and reasonable method of apportioning the Water Management System Assessed Cost among units of Assessed Property located within the DISTRICT.

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m. on September 12, 2019, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71st Avenue, North Lauderdale, Florida, at which time the Board of Supervisors of the DISTRICT will receive and consider any comments on Water Management System Assessments from the public and affected property owners and consider imposing Water Management System Assessments for the Fiscal Year beginning October 1, 2019 and conducting the assessments on the same bill as non ad valorem taxes.
SECTION 10. NOTICE BY PUBLICATION. The Clerk of the Board of Supervisors shall publish notice of the public hearing authorized by Section 9 of this Preliminary Rate Resolution in the manner and time provided in section 197.3632(4)(b), Florida Statutes. The notice shall be published no later than August 23, 2019, in substantially the form attached hereto as Appendix A.

SECTION 11. NOTICE BY MAIL. The Broward County Property Appraiser shall ensure that proper and timely notice is provided to the Owners of Assessed Property through the use of the TRIM notices forwarded by the Property Appraiser’s Office to Property Owners within the DISTRICT in a manner consistent with the requirements of section 197.3635, Florida Statutes.

SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the DISTRICT from the Water Management System Assessments will be utilized for the provision of water control and drainage services, facilities, and programs as authorized in the SPECIAL ACT. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund water control and drainage services, facilities, and programs.

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SECTION 13. EFFECTIVE DATE.

This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED THIS 11th DAY OF JUNE, 2019.

________________________________
DISTRICT CHAIRPERSON

APPROVED AS TO FORM:

________________________________
DISTRICT SECRETARY

SAMUEL S. GOREN
DISTRICT ATTORNEY

ATTEST:

________________________________
CLERK TO THE BOARD
OF SUPERVISORS
APPENDIX "A"

FORM OF NOTICE TO BE PUBLISHED

Published No Later than August 23, 2019

NORTH LAUDERDALE WATER CONTROL DISTRICT

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF WATER MANAGEMENT SYSTEM ASSESSMENTS

Notice is hereby given that the Board of Supervisors for the North Lauderdale Water Control District will conduct a public hearing to consider re-imposing a Water Management Special Assessment for the operation, management and maintenance of the District’s Water Management System within the geographical boundaries of the North Lauderdale Water Control District.

The hearing will be held at 6:00 p.m., on September 12, 2019, in the City Commission Chambers, 701 Southwest 71st Avenue, North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Board of Supervisors of the North Lauderdale Water Control District within 20 days of this notice. If
a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Office of the Clerk of the Board of Supervisors, through the North Lauderdale City Clerk’s Office at (954) 597-4706, at least seven days prior to the date of the hearing.

The assessment for each parcel or tract of property will be based upon the total number of assessable units attributed to that parcel or tract, at the amount of $100.00 per assessable Unit. Each parcel or tract of less than one acre will be assessed as a full acre, and any parcel or tract of more than one acre, which contains a fraction of an acre, shall be assessed at the nearest whole number of acres, a fraction of one-half (1/2) acre or more to be assessed as a full acre.

Copies of The Special Acts related to the North Lauderdale Water Control District, the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and re-imposing the Water Management System Assessments, and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the Office of the Clerk of the Board of Supervisors of the North Lauderdale Water Control District, through the Office of the North Lauderdale City Clerk’s Office, City Hall, located at 701 Southwest 71st Avenue, North Lauderdale, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2019, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Finance Director of the North Lauderdale Water Control District, through the Office of the City of North Lauderdale Finance Department at (954) 597-4714, Monday through Friday between 8:00 a.m. and 5:00 p.m.

CLERK OF THE BOARD OF SUPERVISORS OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT