

**CITY OF TAMARAC, FLORIDA**

**RESOLUTION NO. 2020 - \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS IN THE CITY OF TAMARAC, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; 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 Tamarac Ordinance No. 2012-09, adopted on April 25, 2012, 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 Management, Inc. of Florida (hereinafter “Waste Management”), pursuant to which the City provides Residential Solid Waste Collection Services to, among others, all residential properties that receive Residential Solid Waste Collection Services within the City; and,

**WHEREAS**, the City Commission believes it is in the best interests of the residents and residential property owners to annually 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 by the City, through its Franchise Agreement, through the levy and collection of a special

assessment, as such eliminates direct monthly billing and charges to residents, permits the payment for the services on an annual basis along with property taxes and other special assessments, reduces the administrative costs of the Residential Solid Waste Collection Program to the City, and ensures that all properties that receive Residential Solid Waste Collection Services from the City through the Franchise Agreement pay for such so that no property is over-charged by virtue of the failure of other properties to pay for the service; and,

**WHEREAS**, Residential Solid Waste Collection Services provided by the City through its Franchise Agreement provide the requisite special benefit to Assessed Property such that they may be funded through a special assessment; and,

**WHEREAS**, Resolution 2012-87, adopted by the City Commission on July 11, 2012, served as the Initial Assessment Resolution for the Residential Solid Waste Collection Services Special Assessment, and established applicable definitions for the annual Residential Solid Waste Collection Services Special Assessment, set forth legislative findings of fact to support the annual levy and collection of the Residential Solid Waste Collection Services Special Assessment, described the services to be funded by the Residential Solid Waste Collection Services Special Assessment, and described the methodology for apportioning the Residential Solid Waste Collection Services Cost among Assessed Properties; and,

**WHEREAS**, through the adoption of Resolution 2012-104, on September 13, 2012, the City Commission levied the Residential Solid Waste Collection Services Special Assessment for the initial year of the assessment, the Fiscal Year that began on October 1, 2012; and,

**WHEREAS**, City staff has reviewed the budget for Residential Solid Waste Collection Services for the Fiscal Year beginning October 1, 2020, for residential units that receive Residential Solid Waste Collection Services by the City through the Franchise Agreement 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 the annual non-ad valorem special assessment for the Fiscal Year beginning October 1, 2020, to fund the Residential Solid Waste Collection Services provided by the City through its Franchise Agreement, consistent with the methodology and allocation as provided hereinafter.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, 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. 2012-09 (the "Ordinance"), Resolution 2012-87 (the "Initial Assessment Resolution"), 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 sets forth the preliminary assessment rates for the Fiscal Year beginning October 1, 2020, sets forth the date, time and location for the City Commission to consider public comments on the adoption of the Annual Assessment Resolution, provides for the update to the annual Assessment Roll, and directs notice of the public hearing as may be required by law and the Ordinance.

**SECTION 4. DEFINITIONS.** All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance and the Initial Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

**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 upon Assessed Property located within the City, the City shall continue to provide Residential Solid Waste Collection Services to such Assessed Property through the Franchise Agreement. The cost to provide such Residential Solid Waste Collection Services 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 in an amount not less than the Residential Solid Waste Collection Services Assessment imposed against such parcel through 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 in the Initial Assessment Resolution is approved and adopted as the methodology to impose and compute the Residential Solid Waste Collection Services Assessment for the Fiscal Year beginning October 1, 2020.

**SECTION 7. LEGISLATIVE DETERMINATIONS OF AUTHORITY, SPECIAL BENEFIT AND FAIR APPORTIONMENT.** The legislative findings of authority, special benefit and fair apportionment made by the City Commission through its adoption of the Ordinance and the Initial Assessment Resolution, are incorporated herein as if fully set forth herein.

**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. 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, 2020.

**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, 2020, is the amount determined in the manner described in Section 8 above, and within 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, 2020.

(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, 2020, 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, 2020, 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, the Initial Assessment Resolution, and the updated Residential Solid Waste Collection Services Special Assessment Roll for the Fiscal Year beginning October 1, 2020, 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, 2020, 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 the Initial Assessment Resolution and incorporated and described within 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.

**SECTION 11. AUTHORIZATION OF PUBLIC HEARING.** There is hereby established a public hearing to be held at 5:05 p.m., on September 14, 2020, in City Commission Chambers of Tamarac City Hall, 7525 Northwest 88th Avenue, City of Tamarac, Florida 33321, 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 for the Fiscal Year beginning October 1, 2020, and collecting such assessments on the same bill as ad valorem taxes.

**SECTION 12. NOTICE BY PUBLICATION.** As required by the Ordinance and the Uniform Assessment Collection Act, the City Manager, or his 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 16, 2020, in substantially the form attached hereto as Appendix B.

**SECTION 13. NOTICE BY MAIL.** The City Manager, or his designee, shall 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 as required by the Ordinance, and the Uniform Assessment Collection Act.

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

**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, 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.

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**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF TAMARAC,  
FLORIDA, THIS 8th DAY OF JULY, 2020.**

CITY OF TAMARAC FLORIDA

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MICHELLE J. GOMEZ, MAYOR

ATTEST:

\_\_\_\_\_  
JENNIFER JOHNSON, CMC  
CITY CLERK

RECORD OF COMMISSION VOTE:

MAYOR GOMEZ

DIST 1: V/M. BOLTON

DIST 2: COMM. GELIN

DIST 3: COMM. FISHMAN

DIST 4: COMM. PLACKO

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I HEREBY CERTIFY THAT I HAVE  
APPROVED THIS RESOLUTION  
AS TO FORM:

\_\_\_\_\_  
SAMUEL S. GOREN  
CITY ATTORNEY

## **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, 2020, is **\$5,059,092.**

**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, 2020, are hereby established as follows for the purpose of this Preliminary Assessment Resolution:

RESIDENTIAL UNITS: **\$278.75 PER UNIT**

## **APPENDIX B**

### **FORM OF NOTICE TO BE PUBLISHED**

To be published on August 16, 2020

### **INSERT MAP OF CITY**

#### **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 Tamarac will conduct a public hearing to consider imposing the annual Residential Solid Waste Collection Services Special Assessments for the Fiscal Year beginning October 1, 2020, 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 Tamarac.

The hearing will be held at 5:05 p.m., on September 14, 2020, in Commission Chambers of Tamarac City Hall, 7525 Northwest 88th Avenue, Tamarac, Florida 33321, 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) 597-3505, at least 48 hours (2 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 \$278.75 per unit.

Copies of the Assessment Ordinance, the Initial Assessment Resolution, 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, Tamarac City Hall, 7525 Northwest 88th Avenue, Tamarac, Florida 33321.

The assessments will be collected by the Tax Collector on the ad valorem tax bill to be mailed in November 2020, 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) 597-3550, Monday through Friday between 8:30 a.m. and 5:00 p.m.

CITY CLERK

CITY OF TAMARAC.