
CITY OF OAKLAND PARK, FLORIDA

**RESIDENTIAL SOLID WASTE SERVICES ASSESSMENT
ANNUAL RATE RESOLUTION
FOR
FISCAL YEAR BEGINNING OCTOBER 1, 2017**

RESOLUTION R-2017-XXX

ADOPTED SEPTEMBER 13, 2017

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RESOLUTION NO. R-2017- __

A RESOLUTION OF THE CITY OF OAKLAND PARK, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN THE ASSESSMENT AREA CONSISTING OF THE ENTIRE INCORPORATED BOUNDARIES OF THE CITY OF OAKLAND PARK, FLORIDA; AS MAY BE AMENDED FROM TIME TO TIME, REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST CERTAIN ASSESSED PROPERTY LOCATED WITHIN OAKLAND PARK, FLORIDA; APPROVING THE UPDATED ASSESSMENT ROLL; CONFIRMING THE PRELIMINARY RATE RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission (the "Commission") of Oakland Park, Florida (the "City"), has enacted Ordinance No. O-2005-024 (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste, Recyclable Materials and Bulk Pickup collection and disposal services, facilities or programs against certain Assessed Property within the City;

WHEREAS, the reimposition of a Solid Waste Service Assessment for Solid Waste, Recyclable Materials and Bulk Pickup collection and disposal services, facilities or programs for each Fiscal Year is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property;

WHEREAS, the Commission desires to reimpose an assessment program for Solid Waste, Recyclable Materials and Bulk Pickup collection and disposal services, facilities or programs within the Assessment Area consisting of the entire legal boundaries within the of City of Oakland Park, Florida, for the Fiscal Year beginning on October 1, 2017;

WHEREAS, the Commission, on July 19, 2017 adopted Resolution No. R-2017-077 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid

Waste, Recyclable Materials and Bulk Pickup collection and disposal services, facilities or programs to be provided to Assessed Property, describing the method of apportioning the Solid Waste Costs to compute the Solid Waste Service Assessment for Solid Waste, Recyclable Materials and Bulk Pickup collection and disposal services, facilities or programs against Residential Property located within the Assessment Area, designating a rate of assessment, and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, in order to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2017, the Ordinance requires the City Commission to adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties;

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

WHEREAS, a public hearing was held on September 13, 2017, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF OAKLAND PARK, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Ordinance No. O-2005-024; Resolution No. R-2005-098; Resolution No. R-2005-122; Article VIII, Section

2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution and the Preliminary Rate Resolution.

SECTION 3. REIMPOSITION OF SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS.

(A) The parcels of Assessed Property described in the updated Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of Solid Waste collection and disposal services, facilities or programs described in the Preliminary Rate Resolution, in the amount of the Solid Waste Service Assessment set forth in the updated Assessment Roll, a copy of which was present at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Assessment Area will be benefited by the City's provision of Solid Waste, Recyclable Materials and Bulk Pickup collection and disposal services, facilities or programs in an amount not less than the Solid Waste Service Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution and this Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution from the Solid Waste, Recyclable Materials and Bulk Pickup collection and disposal services, facilities or programs to be provided and a legislative determination that the Solid Waste Service

Assessments are fairly and reasonably apportioned among the Residential Properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(B) The method for computing Solid Waste Service Assessments described in the Preliminary Rate Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2017, the estimated Solid Waste Cost is \$2,321,032. For the Fiscal Year beginning October 1, 2017, the Solid Waste Cost shall be allocated among all parcels of Assessed Property, based upon each parcel's classification as Residential Property and the number of Dwelling Units for such parcels. An annual rate of assessment equal to \$217.00 for each Dwelling Unit, is hereby approved. Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs in the amounts set forth in the updated Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the updated Assessment Roll.

(D) Any shortfall in the expected Solid Waste Service Assessment proceeds due to any reduction or exemption from payment of the Solid Waste Service Assessments required by law or authorized by the 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 Solid Waste Service Assessments.

(E) As authorized in Section 20.183 of the City Code of Ordinances, interim Residential Solid Waste Service Assessments for the Fiscal Year commencing October 1, 2017 are also levied and imposed against all Residential Property within the Assessment Area for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

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

(G) The updated Assessment Roll, as herein approved, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The updated Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

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

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment, the updated Assessment Roll and the levy and lien of the Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs) unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

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

SECTION 7. AUTHORITY TO EXECUTE. The appropriate City officials are authorized and directed to execute the necessary documents to effectuate this Resolution.

SECTION 8. CONFLICT. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 9. VALIDITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 7. EFFECTIVE DATE. This resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 13TH day of September, 2017.

CITY OF OAKLAND PARK, FLORIDA

MAYOR J. ADORNATO III

ATTEST:

J. ADORNATO III

T. LONERGAN

M. CARN

S. GUEVREKIAN

M. SPARKS

RENEE M. SHROUT, CMC, CITY CLERK
(Corporate Seal)

APPROVED AS TO FORM AND CORRECTNESS:

D. J. DOODY, CITY ATTORNEY

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

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

1. David Hebert, as City Manager of the City of Oakland Park, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Sections 2.03, 2.04, 2.05 and 2.08 of Ordinance No. O-2005-024 (the "Assessment Ordinance") in conformance with the Preliminary Rate Resolution adopted by the City Commission on July 19, 2017 (the "Preliminary Rate Resolution"). The Preliminary Rate Resolution directed and authorized notice by First Class Mail only to affected owners in the event circumstances described in Section 2.08(F) of the Ordinance so required.

2. In accordance with the Assessment Ordinance, Mr. Hebert timely provided all necessary information for notification of the Solid Waste Service Assessment to the Property Appraiser of Broward County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right

to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

FURTHER AFFIANT SAYETH NOT.

David Hebert, Affiant

STATE OF FLORIDA
COUNTY OF BROWARD COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of September, 2017 by David Hebert, City Manager, City of Oakland Park, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

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

APPENDIX B
PROOF OF PUBLICATION

SUN SENTINEL

Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida

Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared MARK KUZNITZ who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a NOTICE OF PUBLIC HEARING in the Matter of THE CITY OF OAKLAND PARK - SOLID WASTE ASSESSMENT appeared in the paper on AUGUST 20, 2017 AD ID 5109675. Affiant further says that the said Sun-Sentinel said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant says that he/she has neither paid, nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Mark Kuznitz

Mark Kuznitz, Affiant

Sworn to and subscribed before me on

AUGUST 21, 2017 A.D.

Christine Ruffolo

(Signature of Notary Public)



(Name of Notary typed, printed or stamped)

Personally Known ☒ or Produced

Identification _____



**NOTICE OF HEARING TO
REIMPOSE AND PROVIDE FOR
COLLECTION OF SOLID WASTE
SERVICE SPECIAL ASSESSMENTS**

Notice is hereby given that the City Commission of the City of Oakland Park, Florida, will conduct a public hearing to consider reimposing solid waste special assessments against certain improved residential properties located within the entire legal boundaries of the City of Oakland Park to fund the cost of solid waste, recyclable materials and bulk pickup collection and disposal services, facilities and programs provided to such properties. This public hearing will also be held to authorize the collection of such assessments on the tax bill.

The hearing will be held at 6:00 p.m. on September 13, 2017, in City Commission Chambers of City Hall, 3650 NE 12th Avenue, Oakland Park, 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 at (954) 630-4300, at least two days prior to the date of the hearing.

The assessments will be computed by multiplying the number of dwelling units on each parcel by the rate of assessment. The rate of assessment for the fiscal year beginning October 1, 2017 is proposed to be \$217.00. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the City Clerk, located at 3650 NE 12th Avenue, Oakland Park, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2017, as authorized by section 197.3632, Florida Statutes. Failure to pay these assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

Should you have any questions, please contact the Financial Services Department at (954) 630-4252, Monday through Friday between 8:00 a.m. and 5:00 p.m.



CITY CLERK
CITY OF OAKLAND PARK, FLORIDA

APPENDIX C

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

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

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

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection, processing Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Broward County Department of Finance and Administrative Services by September __, 2017.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Broward County Department of Finance and Administrative Services and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of September, 2017.

CITY OF OAKLAND PARK, FLORIDA

By: _____
Mayor J. Adornato, III

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