

RESOLUTION NO. 40-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WORTH BEACH, FLORIDA; IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY; APPROVING THE RATE OF ASSESSMENT; CONFIRMING, APPROVING AND ADOPTING THE STORMWATER ASSESSMENT ROLL FOR FISCAL YEAR 2024; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM COLLECTION METHOD AND PROVIDING AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution of the City of Lake Worth Beach, Florida (the "City") is adopted pursuant to City Ordinance No. 2009-22 (as may be amended from time to time, and as codified in Chapter 2, Article XVIII of the City Code of Ordinances, the "Assessment Ordinance"), City Resolution No. 40-2009 (as amended and supplemented from time to time, and as particularly supplemented by Resolution No. 45-2009, the "Initial Assessment Resolution"), Sections 166.021, 166.041, and 197.3632, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This resolution constitutes the Annual Assessment Resolution as defined in the Assessment Ordinance. All capitalized terms in this Resolution not otherwise defined herein shall have the meanings defined in the Assessment Ordinance and the Initial Assessment Resolution.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) Pursuant to the Assessment Ordinance, the City Commission adopted the Initial Assessment Resolution, which provided for the apportionment of Stormwater Service Assessments on the bases on Equivalent Residential Units ("ERUs") and mailed notice to affected property owners that the Assessed Property would be assessed at the rate of \$75.60 per ERU, for the Fiscal Year commencing October 1, 2009.

(B) The Assessment Ordinance (1) requires adoption of an Annual Assessment Resolution for each Fiscal Year confirming or amending the Stormwater Assessment Roll, (2) sets forth a procedure for the correction of errors and omissions, and (3) provides that if the proposed Assessment for any parcel of property exceeds the amount set forth in the mailed notice to affected property owners, or if an Assessment is imposed against property not previously subject thereto, the Commission shall provide published and mailed notice to the owner of such property and conduct a public hearing prior to adoption of the Annual Assessment Resolution.

(C) The cost of providing Stormwater management services has only changed once since adoption of the Initial Assessment Resolution. In Fiscal Year 2019-2020, the

rate was increased to \$78.25 per ERU. For Fiscal Year 2023-2024, the rate for the Stormwater management services assessment remains as \$78.25 per ERU as set forth in the Assessment Roll.

(D) In order to re-impose Stormwater Service Assessments for the Fiscal Year commencing October 1, 2023, the Assessment Ordinance requires the City Commission to adopt an Annual Assessment Resolution which confirms or amends the Stormwater Assessment Roll.

(E) Pursuant to the Assessment Ordinance, the Annual Assessment Resolution shall confirm the Assessment Roll to reflect the then applicable portion of the cost of the Capital Improvements or Essential Services to be paid by assessments. As the proposed assessment does not for any parcel of property exceed the maximum amount established in the previous years' notices nor is the assessment imposed against a property not previously subject thereto, a public hearing is not required prior to the adoption of the Annual Assessment Resolutions, pursuant to the Assessment Ordinance. The imposition of Stormwater Service Assessments for Stormwater management services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Stormwater Cost among parcels of Assessed Property.

(F) The Stormwater Management Services provided for in the Initial Assessment Resolution and contemplated herein are Essential Services which possess a logical relationship to the use and enjoyment of, and relieve a burden created by and provide a special benefit to Improved Property by properly, safely and cost effectively managing stormwater generated on the property.

(G) The benefits derived from the Stormwater Management Services exceed the cost of the Stormwater Service Assessments imposed hereunder. The Stormwater Service Assessments for any Tax Parcel within the City does not exceed the proportional benefits that such Tax Parcel will receive compared to any other Tax Parcel within the City.

(H) The legislative determinations of special benefit and fair apportionment contained in Section 1.04 of the Initial Assessment Resolution are hereby readopted, ratified and confirmed.

(I) Each parcel of Assessed Property within the City will be specially benefited by the City's provision of Stormwater management services, facilities, and programs in an amount not less than the Stormwater Service Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution.

(J) Adoption of this Annual Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Assessment Ordinance, the Initial Assessment Resolution and this Annual Assessment Resolution from the Stormwater management services, facilities, or programs to be provided and a legislative determination that the Stormwater Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit.

SECTION 4. APPROVAL OF ASSESSMENT ROLL; IMPOSITION OF ASSESSMENTS.

(A) The Stormwater Assessment Roll, on file in the Office of the City Clerk and incorporated herein by this reference, is hereby approved, confirmed and adopted for Fiscal Year 2023-2024. The Stormwater Assessment Roll shall be certified to the Tax Collector by September 15, 2023, pursuant to Section 197.3632(5), Florida Statutes.

(B) The apportionment approach described in Section 3.03 of the Initial Assessment Resolution is hereby approved and adopted as the basis for allocating the Stormwater Cost for the Fiscal Year 2024 among Assessed Property.

(C) A special assessment computed in the manner described in the Initial Assessment Resolution is hereby levied and imposed on all Tax Parcels described in the Stormwater Assessment Roll in order to fund the Stormwater Cost for the Fiscal Year commencing October 1, 2023 at rate of \$78.25 per ERU.

(D) Parcels of Assessed Property described in the Stormwater Assessment Roll are hereby found to be specially benefited by the provision of the Stormwater management services, facilities, and programs described or referenced in the Initial Assessment Resolution based upon an assessment amount for each ERU of \$78.25.

(E) Stormwater 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.

SECTION 5. COLLECTION OF ASSESSMENTS. The Fiscal Year 2023-2024 Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act as provided for in Section 3.05 of the Initial Assessment Resolution, Section 3.01 of the Assessment Ordinance, and Section 197.3632, Florida Statutes.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Stormwater Service Assessments).

SECTION 7. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolutions or parts thereof in conflict herewith are hereby superseded and repealed to the extent of such conflict.

SECTION 8. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its adoption.

The passage of this resolution on was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Reinaldo Diaz
Commissioner Kimberly Stokes

The Mayor thereupon declared this resolution duly passed and adopted on the 14th day of September 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk