

# **EXECUTIVE BRIEF REGULAR MEETING**

**AGENDA DATE:** September 6, 2022

**DEPARTMENT:** Community Sustainability

**TITLE:**

Resolution No. 55-2022 - Adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector.

**SUMMARY:**

This resolution provides for the adoption of the final Chronic Nuisance Services Assessment Roll, which includes all costs for lot clearings board and secures, that remain delinquent and unpaid as of June 1, 2022 and to certify the final Chronic Nuisance Services Assessment Roll to the Tax Collector. Item is being brought back to the City Commission for reaffirmation due to advertising issues.

**BACKGROUND AND JUSTIFICATION:**

Pursuant to the provisions of sections 12-38 through 12-42 of the Code of Ordinances (the "Lot Clearing Ordinance"), sections 2-75.2 through 2-75.2.7 of the Code of Ordinances (the "Board and Secure Ordinance"), and sections 9-2.2(a) through 9-2.2(t) of the Code of Ordinances (the "Unsafe Building Abatement Code"), the owners of certain parcels of real property were notified of the existence of a public nuisance on their respective properties, failed to abate such nuisances and failed to pay the City for the costs the City incurred in the abatement of the nuisances. In accordance with section 12-42, section 2-75.2.7, and 9-2.2(q), the costs incurred by the City to abate said nuisances were assessed against each property as special assessment liens, and these liens were documented by the City Commission through the adoption of resolutions acknowledging the same. The City has complied with the requirements of Chapter 2, Article XIX, Division 2 "Levy and Collection of Non-Ad Valorem Assessments" of the City's Code of Ordinances in order to include the special assessments for unpaid chronic nuisance services costs on the property tax bills to be issued in November, 2022. The City Commission adopted Resolution No. 37-2022 which directed the creation of the preliminary Chronic Nuisance Services Assessment Roll; scheduled the date, time, and place of the public hearing to receive and consider comments from the public and consider the adoption of the chronic nuisance service roll for 2022; and provided notice by publication and first-class mail to those property owners listed on the preliminary assessment roll. A public hearing was held, and Resolution No. 42-2022 was adopted by the City Commission on July 19, 2022, but the notice of public hearing was not published in time. Subsequently, notice was provided of the date, time, and place of the public hearing to be held on September 6, 2022, to receive and consider comments from the public and consider the adoption of the chronic nuisance service roll for 2022; and provided by publication and first-class mail to those property owners listed on the preliminary assessment roll. At the public hearing on September 6, 2022, the City Commission will receive any written objections to the assessment roll and shall hear testimony from all interested persons as required by section 197.3632, Florida Statutes, and, if appropriate, will adopt the final Chronic Nuisance Services Assessment Roll and direct the certification of the final roll to the Tax Collector. The adoption of the final roll shall constitute a legislative determination that all

assessed parcels of real property derive a special benefit from the nuisance violation abatement services provided by the City, and a legal determination that the assessments are fairly and reasonably apportioned to the properties.

Attached is the proposed Resolution No. 55-2022 adopting the final Chronic Nuisance Services Assessment Roll and directing staff to certify the roll to the Tax Collector in compliance with section 197.3632, Florida Statutes, and the City's Code of Ordinances.

The total amount at this time being assessed is roughly **\$23,864**. Of that amount, it is estimated that approximately 40% will be collected in FY 2022 and the remaining will be collected over the next three fiscal years. Many of the properties involved have absent owners and collection of the assessments may involve tax deed sales, which will delay collection.

Resolution No. 42-2022 - Adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector previously was approved by the City Commission on July 19, 2022. The advertisement for the July 19, 2022 public hearing did not meet statutory requirements. A new public notice has been mailed and advertisement placed to meet the statutory requirements. The item here is to reaffirm the earlier approval granted in July.

**MOTION:**

Move to approve/disapprove Resolution No. 55-2022 - Adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services.

**ATTACHMENT(S):**

Fiscal Impact Analysis

Resolution

Exhibit A – Affidavit Conforming Mailing of Notices

Exhibit B- Special Assessment roll for Lot clearing, board and secure

**FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	9548	4772	4772	4772	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

Account Number	Account Description	Project Number	FY20 Budget	Current Balance	Budget Transfer	Agenda Expenditure	Balance