

**RESOLUTION NO. 14-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE CITY OF KEY WEST, FLORIDA; IMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST CERTAIN REAL RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY OF KEY WEST, FLORIDA, APPROVING THE SOLID WASTE ASSESSMENT ROLL FOR THE SOLID WASTE SERVICE ASSESSMENTS; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City Commission of Key West, Florida, has enacted Ordinance No. 13-09 (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs against real residential property specifically benefited by the City's Solid Waste Management Services; and

**WHEREAS,** the imposition of a Solid Waste Service Assessment for Solid Waste 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 City Commission desires to reinstate an assessment program for Solid Waste collection and disposal services, facilities or programs within the City using the tax bill collection method for the Fiscal Year beginning on October 1 2014; and

**WHEREAS,** the City Commission, on August 6, 2014, adopted Resolution No. 14-212 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid Waste collection and disposal services, facilities or programs to be provided to Assessed Property, describing the method of apportioning the Solid Waste Cost to compute the Solid Waste Service Assessment for Solid Waste collection and disposal services, facilities or programs against

Residential Property, designating a rate of assessment, and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, in order to re-impose Solid Waste Assessments for the Fiscal Year beginning October 1, 2014, the Ordinance requires the City to adopt an Annual Rate Resolution which establishes the rate of assessment and approves the Assessment Roll for the upcoming Year, with such amendments as the Commission deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the Solid Waste Assessment Roll has heretofore been filed with the office of the City Manager, as provided in Ordinance Section 58-107 of the Ordinance; and

WHEREAS, as required by the terms of Ordinance Sections 58-103 and 58-104, notice of a public hearing has been published and mailed to each property owner proposed to be charged a Solid Waste Service Assessment, notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by the Ordinance Section 58-105.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION FOR KEY WEST, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** This resolution is adopted pursuant to the provisions of the Solid Waste Service Assessment Ordinance (13-09), the Initial Assessment Resolution (13-196), the Final Assessment Resolution (13-227), and the Preliminary Rate Resolution (14-212), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.** This resolution is the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have meanings defined in the Ordinance and the Initial Assessment Resolution.

**SECTION 3. RE-IMPOSITION OF SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS.**

- (A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the City's 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 City will be benefited by the City's provision of Solid Waste collection and disposal services, facilities or programs in an amount not less than the Solid Waste Service Assessments for such parcel, computed in the manner set forth in the Preliminary Rate Resolution. Adoption of this Annual Rate 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 Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution from the Solid Waste Management Services 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, 2014, the Solid Waste Cost shall be allocated among all parcels of Assessed Property, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. The Solid Waste Cost for Fiscal Year 2014-15 is estimated to be \$4,810,006. The rate of assessment for each Dwelling Unit for Solid Waste collection and disposal services, plus any delinquency or past due amounts attributable to each Dwelling Unit for Solid Waste services and facilities provided for Fiscal Year 2014-15 is \$356.28 and the Tipping Fee for haulout and disposal is \$168.11 per Ton. The maximum rate of assessment for each Dwelling Unit for Solid Waste collection and disposal services, plus any delinquency or past due amounts attributable to each Dwelling Unit for Solid Waste services and facilities provided for future fiscal years is \$393.08.

(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 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 Solid Waste Service Assessments.

(D) The above rates of assessment are hereby approved. Except as otherwise provided herein, Solid Waste Service Assessments for Solid Waste Management Services in the amounts set forth in the updated Solid Waste Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Residential Property described in such Solid Waste

Assessment Roll for the Fiscal Year beginning October 1, 2014.

(E) The 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 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.

(F) The amount any Tax Parcel has as an outstanding delinquent Solid Waste Assessment as of August 2014 for the Solid Waste Assessment imposed is hereby approved and levied on said Tax Parcels. These delinquent Solid Waste Assessments shall be included on the Assessment Roll to be collected along with the applicable rate for that Tax Parcel for the Fiscal Year beginning October 1, 2014.

(G) The 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 Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantiality 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 apportionment methodology, the rate of assessment, the adoption of the Solid Waste Assessment Roll and the levy and lien of the Solid Waste Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

**SECTION 8. EFFECTIVE DATE.** That this Resolution shall go in to effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2014

Filed with the Clerk \_\_\_\_\_, 2014

Mayor Craig Cates \_\_\_\_\_

Vice Mayor Mark Rossi \_\_\_\_\_

Commissioner Teri Johnston \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

Commissioner Tony Yaniz \_\_\_\_\_

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



