

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KEY WEST, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN KEY WEST, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF KEY WEST; DETERMINING THE SOLID WASTE COST AND THE SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 58-100 through 115 of the Code of Ordinances, authorizes the annual reimposition of annual Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs against certain residential property specifically benefited by the City of Key West's Solid Waste Management Services; and

WHEREAS, the imposition of a Solid Waste Service Assessment for Solid Waste collection and disposal services, facilities and programs is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property; and

WHEREAS, the City Commission desires to reimpose an annual solid waste collection and disposal assessment program within the

City of Key West, using the tax bill collection method for the Fiscal Year beginning on October 1, 2017.

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 13-09 (Sections 58-100 through 58-115 of the Code of Ordinances), the Initial Assessment Resolution No. 13-196, the Final Assessment Resolution 13-227, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Preliminary Solid Waste Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2017. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF SOLID WASTE SERVICES.

(A) Upon the imposition of Solid Waste Service Assessments for solid waste collection and disposal against Assessed Property located within the City of Key West, the City of Key West shall

provide solid waste collection and disposal services to such assessed property.

(B) It is hereby ascertained, determined, and declared that each parcel of assessed property will be benefited by the City of Key West's provision of solid waste collection and disposal services in an amount not less than the Solid Waste Service Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Solid Waste Rate Resolution.

SECTION 4. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The legislative determinations of special benefit and fair apportionment embodied in the ordinance, the Initial Assessment Resolution and the Final Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 5. ESTABLISHMENT OF ANNUAL SOLID WASTE SERVICE ASSESSMENT RATE.

(A) For the Fiscal Year beginning October 1, 2017, for which Solid Waste Service Assessments for solid waste collection and disposal services, facilities and programs are to be reimposed, 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.

(B) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year commencing October 1, 2017, is \$4,291,583.00. The rate of assessment for each dwelling unit for Solid Waste collection and disposal services attributable to each Dwelling Unit for Solid Waste services and facilities provided for Fiscal Year 2017-18 is \$310.00. 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 \$398.08.

(C) The rate of the Solid Waste Service Assessments established in this Preliminary Assessment Resolution attributable to each Dwelling Unit for solid waste services and facilities incurred, shall be the rates applied by the City Manager in the preparation of the Initial Assessment Roll for the Fiscal Year commencing October 1, 2017.

(D) The City Manager is hereby directed to prepare, or cause to be prepared, an initial Assessment Roll for the Fiscal Year beginning October 1, 2017, in the manner provided in the Ordinance. Such initial Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the City conforming to the description contained on the Tax Roll; (2) the name and address of the owner of record of each parcel as shown on the Tax Roll, and (3) the amount of the Solid Waste Service

Assessment attributable to each Dwelling Unit for Solid Waste collection and disposal services. A copy of this Preliminary Rate Resolution, the ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and updated Assessment Roll is maintained in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer terminal available to the public. The Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel.

(E) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste collection and disposal services is a fair and reasonable method of apportioning the Solid Waste Cost, therefore among parcels of Assessed Property.

SECTION 6. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m. on September 6, 2017, at 1300 White St, Key West, Florida, for the purpose of (A) receiving and considering any comments on the Solid Waste Service Assessments from affected property owners and (B) authorizing the reimposition of such Solid Waste Service Assessments for solid waste collection and disposal for the Fiscal

Year beginning October 1, 2017 and collecting such assessments on the same bill as ad valorem taxes.

SECTION 7. NOTICE BY PUBLICATION. The City Manager shall publish a notice, as required by Section 58-103 of the City of Key West Code of Ordinances, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than August 16, 2016 in a newspaper generally circulated in Monroe County.

SECTION 8. NOTICE BY MAIL. The City Manager shall provide notice by first class mail to the Owner of each parcel of Assessed Property, in the event circumstances described in Section 58-104 of the City of Key West Code of Ordinances so require. Such notice shall be in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than August 16, 2017.

SECTION 9. EFFECTIVE DATE. This Preliminary Rate Resolution shall take 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 _____, 2017.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2017.

Filed with the Clerk on _____, 2017.

Mayor Craig Cates _____

Vice Mayor Clayton Lopez _____

Commissioner Sam Kaufman _____

Commissioner Richard Payne _____

Commissioner Margaret Romero _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK