

RESOLUTION NO. 24-136

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 are an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property; and

WHEREAS, the owners of certain Residential Property within the City have failed to pay the costs of Solid Waste collection and disposal services, facilities and programs, even though such

properties have specially benefited from the provision of these services, facilities and programs; and

WHEREAS, the Commission desires to include within the Solid Waste collection and disposal assessment program those amounts which are past due and delinquent from Solid Waste collection and disposal services provided to such properties; 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, 2024.

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, 2024.

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, 2024, 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, 2024, is \$5,057,239.13. The rate of assessment for each dwelling unit for Solid Waste collection and disposal services for Fiscal Year 2024-25 is \$362.82. The maximum rate of assessment for each dwelling unit for solid waste collection and disposal services for future fiscal years is \$393.08.

(C) The rate of the Solid Waste Service Assessments established in this Preliminary Assessment Resolution, plus any delinquencies or past due amounts 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, 2024.

(C) The City Manager is hereby directed to prepare, or cause to be prepared, an initial Assessment Roll for the Fiscal Year beginning October 1, 2024, 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, plus any delinquency or past due amounts attributable to each dwelling unit for solid waste services and facilities provided during the delinquency period. 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.

(D) 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 5:00 p.m. on August 8, 2024, at 1300 White Street, 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, 2024 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 July 18, 2024, 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 July 18, 2024.

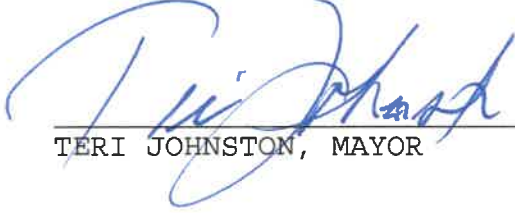
SECTION 9. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 5th day of June 2024.

Authenticated by the Presiding Officer and Clerk of the Commission on 6th day of June, 2024.

Filed with the Clerk on June 6, 2024.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



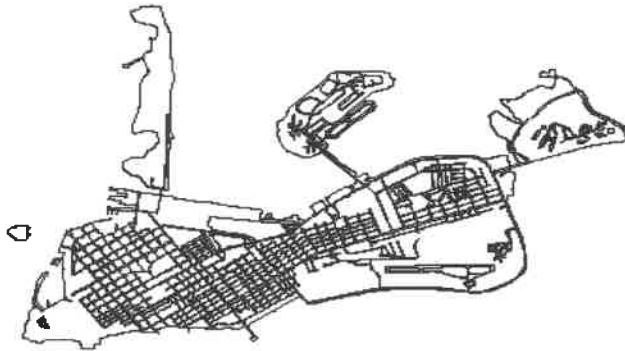
TERI JOHNSTON, MAYOR

ATTEST:



Keri O'Brien, CITY CLERK

Appendix A



NOTICE OF HEARING TO RE-IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the City of Key West, will conduct a public hearing to consider re-imposing solid waste service assessments for the Fiscal Year beginning October 1, 2024, against certain improved residential properties located within the incorporated area of the City, to fund the cost of solid waste collection and disposal services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at a City Commission meeting at 5:00 p.m. on August 8, 2024, City Hall, 1300 White St, Key West, 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 calendar days of the date 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 at (305) 809-3811, at least seven days prior to the date of the hearing.

The rate of assessment for Fiscal Year 2024-25 shall be \$362.82 per dwelling unit for solid waste services. The maximum rate of assessment for future fiscal years shall be \$393.08 per dwelling unit for solid waste services.

The total annual solid waste assessment revenue to be collected within the City is estimated to be \$5,057,239.13. Copies of the Solid Waste Service Assessment Ordinance (Ordinance No. 13-09), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and re-imposing the Solid Waste Service Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the City Clerk's office, located at 1300 White St., Key West, Florida.

If you have any questions, please contact City Hall at (305) 809-3721, Monday through Friday between 8:00 a.m. and 4:45 p.m.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2024, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

Publish: July 18, 2024

Appendix B

CITY OF KEY WEST, FLORIDA
CUSTOMER SERVICE DEPARTMENT
PO BOX 1409
KEY WEST, FL 33041

CITY OF KEY WEST, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF SOLID WASTE NON-
AD VALOREM ASSESSMENTS

NOTICE DATE: July 18, 2024

[Property Owner Name]
[Street Address]
[City, State Zip]

Sequence #
Alternate Key #

******* NOTICE TO PROPERTY OWNER *******

Dear Property Owner:

As required by section 197.3632, Florida Statutes, and the direction of the City Commission, notice is given by the City of Key West, Florida that annual assessments for solid waste services using the tax bill collection method may be imposed and levied on your property. The use of an annual special assessment to fund solid waste services benefiting improved residential property located within the City of Key West is fair, efficient and effective. The annual solid waste assessment is based on the number of residential dwelling units contained on each parcel of property.

The above parcel is subject to the solid waste assessment.

The total number of residential dwelling units on the above parcel is _____.

The maximum annual solid waste assessment for Fiscal Year 2024-25 is \$362.82 per dwelling unit or \$_____.

The maximum annual solid waste assessment for future fiscal years is \$393.08 per dwelling unit or \$_____.

The total annual solid waste assessment revenue to be collected within the City of Key West is estimated to be \$5,057,239.13 for Fiscal Year 2024-25.

A public hearing will be held at 5:00 p.m. on August 8, 2024, at City Hall, 1300 White Street, Key West, FL 33040 for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 calendar days of the date of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you 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. It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the legal documentation for the assessment program are available for inspection at the City Clerk's office, located at City Hall – 1300 White Street, Key West, FL 33040.

The solid waste special assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact the City at 305-809-3721, Monday through Friday between 8:00 a.m. and 4:45 p.m.

******* THIS IS NOT A BILL *******



MEMORANDUM

Date: June 6, 2024

To: Honorable Mayor and Commissioners

Via: Albert P. Childress
City Manager 

From: Matt Willman
Interim Utilities Director

Subject: **24-5907. Authorizing FY 2025 Preliminary Solid Waste Assessment Resolution, in the amount of \$362.82 per Dwelling Unit, for the Annual Solid Waste Residential User Fee**

Introduction

The preliminary solid waste assessment resolution is necessary for the process of setting a maximum annual residential solid waste service charge of \$362.82 per dwelling unit, as a non-ad valorem assessment on the property tax bill.

Background

Per Chapter 58, Article V of the Code of Ordinances, the City Commission has the authority to impose an annual solid waste service assessment to residents prior to the start of each fiscal year. The rate generally covers the cost of collection and disposal of municipal solid waste, yard waste and recycling. Free bulk item pick-up and monthly hazardous household waste pick-ups are included in the rate.

There are two main components for the process of adopting the rates: adopting a preliminary rate resolution and a final rate resolution. This resolution will adopt a preliminary rate.

The preliminary rate resolution authorizes a public hearing to receive and consider comments from the public and consider adoption of the final rate resolution for the solid waste service assessment. The final rate resolution public hearing will be held on August 8, 2024, at 5:00pm in the City Commission chambers.

The Annual Solid Waste budget is established to accomplish the following goals:

- Fund solid waste and recycling material curbside collection and municipal solid waste hauling service from the Rockland Key Transfer Station.
- Continue implementation of the 2012 Solid Waste Master Plan with the goal to increase recycling rates and management of the solid waste utility.
- Continued maintenance of Stock Island Landfill and operation of the Rockland Key Transfer Station.
- Provide staff and equipment to ensure a safe and effective level of service.

To set a proposed rate, staff develops rate models that consider: operating costs, maintenance costs and capital improvement costs with the goal of maintaining an appropriate reserve balance. Staff compares any proposed increase versus the Consumer Price Index (CPI) for the preceding year.

Staff is proposing a rate increase to \$362.82 from \$348.87 for this coming fiscal year which is a 4.0% increase and is lightly higher than the CPI-U. A significant reason for the increase is the continued high fuel costs. Waste hauling comprises a significant portion of the operating costs and fuel prices have a dramatic effect on operating costs since waste is ultimately hauled over 150 miles away to the mainland.

Procurement

Staff is working with Anser Advisory, formerly known as Government Services Group (Anser) to mail notices to Key West property owners who were not noticed last year, i.e., new property owners. Previous and current notices inform residential property owners as to the MAXIMUM solid waste assessment rate, a rate which could only be increased if approved by the City Commission, and only after additional public notices are sent by mail to property owners who are assessed the user fee.

Notices mailed last year stated:

Maximum solid waste rate for FY 2024 - \$348.87

Maximum solid waste rate for future fiscal years - \$393.08

Notices to be mailed this year will state:

Maximum solid waste rate for FY 2025 - \$362.82

Maximum solid waste rate for future fiscal years - \$393.08

Projected assessments to be apportioned among benefited parcels for the Fiscal Year commencing October 1, 2024, is \$5,057,239.13 held in fund 4030000-3434201.

Pursuant to 197.3632, F.S., not less than twenty days shall pass between the notice of the preliminary solid waste rate of assessment and the final solid waste assessment resolution which shall establish the solid waste rate of assessment and approve the assessment tax roll. The City Commission may approve the preliminary solid waste assessment at the June 6, 2024 meeting, and adopt the final assessment resolution and approve collecting the solid waste assessment on the property tax bill, at the August 8, 2024 city commission meeting.

Recommendation

The City Managers office recommends adopting a 2025 preliminary solid waste rate assessment, in the amount of \$362.82 per dwelling unit, to be charged as an annual non-ad valorem assessment on the property tax bill and direct the City Manager to prepare an updated assessment roll for FY 2024-25.