

RESOLUTION NO. 18-212

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, 2018.

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, 2018. 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, 2018, 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.

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year commencing October 1, 2018, is \$4,283,614. 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 2018-19 is \$305.63. 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.

(B) 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, 2018.

(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, 2018, 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.

(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 6:00 p.m. on August 21, 2018, 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, 2018 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 31, 2018 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 31, 2018.


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 3rd day of July, 2018.

Authenticated by the Presiding Officer and Clerk of the Commission on 5th day of July, 2018.

Filed with the Clerk on July 5, 2018.

Mayor Craig Cates	<u>Absent</u>
Vice Mayor Clayton Lopez	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



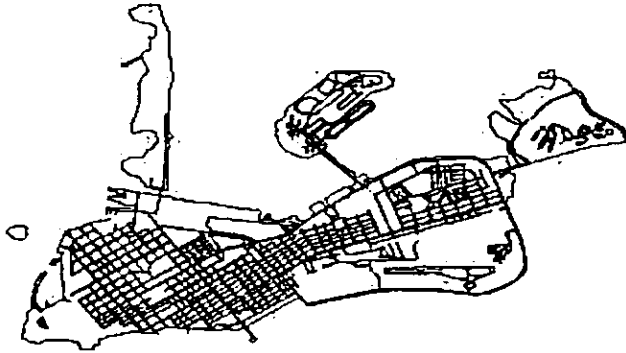
CLAYTON LOPEZ, VICE MAYOR

ATTEST:



CHERYL SMITH, 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, 2018, 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 Special City Commission meeting at 6:00 p.m. on August 21, 2018, 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) 809-3951, at least seven days prior to the date of the hearing.

The rate of assessment for Fiscal Year 2018-19 shall be \$305.63 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 \$4,283,614. 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) 809-3902, 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 2018, 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 31, 2018

Appendix B

CITY OF KEY WEST, FLORIDA
CUSTOMER SERVICE DEPARTMENT

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

{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 2018-19 is \$305.63 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 \$4,283,614 for Fiscal Year 2018-19.

A public hearing will be held at 6:00 p.m. on August 21, 2018, 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 305-809-3951 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 305-809-3902, Monday through Friday between 8:00 a.m. and 4:45 p.m.

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



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

MEMORANDUM

TO: Jim Scholl, City Manager
CC: Greg Veliz, Assistant City Manager
FROM: John Paul Castro, Utilities Director
DATE: June 19, 2018

SUBJECT: Authorizing FY 2019 Preliminary Solid Waste Assessment Resolution, in the amount of \$305.63 per Dwelling Unit, for the Maximum Annual Solid Waste Residential User Fee

Action statement:

The preliminary solid waste assessment resolution is necessary for the process of setting a maximum annual residential solid waste service charge of \$305.63 per dwelling unit, as a non-ad valorem assessment on the property tax bill.

Background:

Pursuant to City of Key West Code of Ordinances Sec. 58-101, the initial proceeding for the imposition of a solid waste service assessment shall be required by the adoption of an initial assessment resolution by the city commission. The resolution shall describe the solid waste collection and disposal services, facilities, or programs, and identify the properties that receive the benefit; determine the solid waste cost to be assessed; describe the method of apportioning the solid waste cost and the computation of the solid waste service assessment; establish an estimated assessment rate for the upcoming fiscal year; and direct the city manager to prepare the initial assessment roll, publish and mail notices as required by Sec. 58-103 and 58-104.

In accordance with Sec. 58-107, the city commission shall adopt a preliminary rate resolution containing a description of the solid waste collection and disposal services, facilities, or programs, and properties that receive the benefit; the solid waste cost and assessment rate for the upcoming fiscal year; authorize date, time and place of public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution; and direct the city manager to update the assessment roll, and publish and mail notices.

Key to the Caribbean - Average yearly temperature 77° F.

The City Commission establishes solid waste rates for residents each fiscal year. As the city has entered into a contract with Waste Management, Inc. to operate the Rockland Key Transfer Station and provide solid waste collection and disposal services, the preliminary solid waste rate resolution will establish the MAXIMUM solid waste rate. Staff, in conjunction with the financial rate consultant, have analyzed solid waste utility financials to determine the solid waste cost and maximum assessment rate for the upcoming fiscal year.

Purpose and Justification:

FY 2019 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.

Staff will work with Government Services Group (GSG) 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 2018 - \$310.00

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

Notices to be mailed this year will state:

Maximum solid waste rate for FY 2019 - \$305.63

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

The preliminary solid waste rate resolution must be approved at the July 3, 2018 city commission meeting, in order to meet the schedule set by s. 197.3632, F.S., to collect the solid waste assessments on the property tax bill for FY 2019. 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.

Pursuant s. 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 July 3 meeting and adopt the final assessment resolution and approve collecting the solid waste assessment on the property tax bill, at the August 21st city commission meeting.

Options:

- 1) City Commission may adopt the preliminary solid waste rate of assessment, in the amount of \$305.63 per dwelling unit, which is the MAXIMUM amount that will 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 2018-19. This option is recommended by staff and financial consultant.
- 2) City Commission may adopt a different preliminary solid waste assessment rate, an amount that will be the MAXIMUM amount that will 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 2019.
- 3) City Commission may adopt a preliminary solid waste assessment rate, and collect solid waste service assessment bills by first class mail, in accordance with Sec. 58-114.

Options 1 or 2 must be adopted at the July 3, 2018 city commission meeting, and the subsequent final solid waste assessment rate resolution adopted prior to September 15, to be compliant with s. 197.3632, F.S., adoption of a non-ad valorem assessment roll and inclusion on the property tax bill.

Financial Impact:

Preliminary solid waste assessment for residential dwelling units for FY 2018 and FY 2019 summary is as follows:

FY 2018 (current) \$305.63 (per year)	FY 2019 (proposed) \$305.63 (per year) NO INCREASE	FY 2019 Option (2% increase) \$311.74 (per year) \$6.11 increase over previous year
---	---	--

Recommendation:

Staff recommends option 1, adopt a MAXIMUM preliminary solid waste rate assessment, in the amount of \$305.63 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 2019.