

**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; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF KEY WEST, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of Key West, Florida, has enacted Ordinance No. 13-09 (the "Ordinance"), which authorizes the annual reimposition 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 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**, such past due amounts and delinquencies have become governmental obligations and have been paid by the City to the detriment of the City residents; and

**WHEREAS**, the Commission desires to include within the Solid Waste Service

Assessments 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, 2014.

**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 (Resolution No. 13-196), the Final Assessment Resolution (Resolution No. 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 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, 2014. 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 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'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 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, 2014, 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. 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. 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.

(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, 2014.

(B) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year beginning October 1, 2014 in the manner provided in the Ordinance. Such updated 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 the updated Assessment Roll is maintained on file 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.

(C) 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 3, 2014, at Old City Hall, 510 Greene 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, 2014 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 12, 2014 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 12, 2014.

**SECTION 9. EFFECTIVE DATE.** This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

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

**APPENDIX B**

**FORM OF NOTICE TO BE MAILED**

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