

RESOLUTION 23-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE CITY OF PORT ST. LUCIE; RE-IMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN PORT ST. LUCIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of Port St. Lucie, Florida (the "City"), has enacted Ordinance No. 07-79 (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments, as defined in Sec. 50.20(a) of the City's Code of Ordinances for solid waste and recyclable materials collection, disposal services, facilities, and programs against certain assessed property within the City; and

WHEREAS, the imposition of a Solid Waste Service Assessment for solid waste and recyclable materials collection, disposal services, facilities, and programs for each fiscal year is an equitable and efficient method of allocating and apportioning the solid waste costs among parcels of assessed property; and

WHEREAS, the Council desires to continue the assessment program for solid waste and recyclable materials collection, disposal services, facilities, and programs within the City using the uniform method of collection on the tax bill for the fiscal year beginning on October 1, 2023; and

WHEREAS, the Council, on August 28, 2023, adopted Resolution No. 23-R82 (the "Preliminary Rate Resolution"), containing a brief and general description of the solid waste and recyclable materials collection, disposal services, facilities, and programs to be provided to assessed property; describing the method to compute and apportion the solid waste costs and Solid Waste Service Assessment against and among certain residential improved property; designating the 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 Service Assessments for the fiscal year beginning October 1, 2023, the Ordinance requires the City to adopt an Annual Rate Resolution which establishes the rate of assessment and approves the Assessment Roll, with such amendments as the Council deems just and right after hearing comments and objections of all interested parties; and

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WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and, as required by the terms of the Ordinance, mailed to each owner of residential improved property proposed to be assessed, notifying each such owner of their opportunity to be heard; and

WHEREAS, the Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Exhibit "A;" and

WHEREAS, a public hearing was held on September 11, 2023, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA, AS FOLLOWS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. Authority. This Resolution is adopted pursuant to Ordinance No. 07-79, Resolution No. 07-R59 (the "Initial Assessment Resolution"), Resolution No. 07-R75 (the "Final Assessment Resolution"), Resolution No. 23-R82 (the "Preliminary Rate Resolution"), Article VIII, Section 2, Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 3. Definitions and Interpretation. This Resolution constitutes the Annual Rate Resolution as defined in the Ordinance. All terms in this Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution and the Preliminary Rate Resolution.

Section 4. Reimposition of Solid Waste Collection and Disposal Assessments.

(A) The parcels of assessed property described in the Assessment Roll, which is hereby approved, with such amendments as it deems just and right are found to be specially benefited by the provision of solid waste and recyclable materials collection, disposal services, facilities, and 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,

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determined and declared that each parcel of assessed property within the City will be benefited by the City's provision of solid waste and recyclable materials collection, disposal services, facilities, and programs, in an amount not less than the Solid Waste Service Assessment for such parcel as 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, as set forth in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution, from the solid waste and recyclable materials collection, disposal services, facilities, and programs to be provided, and also a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among the residential improved 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, 2023, the solid waste costs shall be allocated among all parcels of assessed property based upon each parcel's classification as residential improved property pursuant to the Ordinance and the number of dwelling units for such parcels. An annual rate of assessment equal to \$432.67 (an increase of \$16.46 from last year) is hereby imposed for each dwelling unit. Solid Waste Service Assessments for solid waste and recyclable materials collection, disposal services, facilities, and programs, in the amounts set forth in the Assessment Roll as herein approved, are hereby levied and imposed on all parcels of assessed property described in the Assessment Roll.

(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 Council, shall be supplemented by any legally available funds, or combination of such funds.

(E) Such Solid Waste Service Assessments shall constitute a lien upon the assessed property, and to the extent permitted by Florida law, equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Further, and only to the extent permitted by Florida law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

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(F) The Assessment Roll, as herein approved, shall be delivered to the Tax Collector for collection using the uniform method for the levy, collection and enforcement of non- ad valorem assessments in the manner prescribed by the Ordinance, and shall be accompanied by a Certificate of Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Exhibit “A.”

(G) Attached as Exhibit “B” is the affidavit of mailing and attached as Exhibit “C” is the proof of publication.

Section 5. Confirmation of Preliminary Rate Resolution. The Preliminary Rate Resolution is hereby confirmed.

Section 6. 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 method of apportionment, the rate of assessment, the Assessment Roll, and the levy and lien of the Solid Waste Service Assessments for solid waste and recyclable materials collection, disposal services, facilities and programs) unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

Section 7. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 8. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 9. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this 11th day of September 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

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ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney