

RESOLUTION 23-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN THE CITY; ESTABLISHING THE ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the “Council”) of the City of Port St. Lucie, Florida (the “City”) enacted Ordinance No. 07-79, codified in the City Code as Chapter 50, Article II, the Solid Waste Services Assessments Ordinance (the “Ordinance”), which authorizes the annual re-imposition of solid waste services assessments (the “Assessments”) for solid waste and recyclable materials collection and disposal services, facilities, or programs against certain assessed property within the City; and

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

WHEREAS, the Council desires to collect the annual Assessments within the City using the uniform tax bill collection method pursuant to the Uniform Assessment Collection Act found in s. 197.3632, Florida Statutes, as amended, for the fiscal year beginning on October 1, 2023, and to collect delinquent solid waste service fees, assessments and charges incurred between June 1, 2022 and September 30, 2023 on the 2023 tax roll.

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

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 the provisions of the Ordinance, Chapters 166, 170 and 197, Florida Statutes, and other applicable provisions of law.

Section 3 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 re-imposition of the Assessments pursuant to an annual rate resolution for the fiscal year beginning October 1, 2023. All capitalized words and terms not

otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

Section 4 Provision and funding of Solid Waste Services.

(A) Upon the imposition of the Assessments for solid waste and recyclable materials collection and disposal against assessed property located in the City, the City shall provide solid waste and recyclable materials 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 and recyclable materials collection and disposal services in an amount not less than the Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

Section 5. Legislative Determinations of Special Benefit and Fair Apportionment. The legislative determinations of special benefit and fair apportionment embodied in the Ordinance are affirmed and incorporated herein by reference. It is hereby ascertained, determined, and declared that the method of determining the Assessments for solid waste and recyclable materials collection and disposal services set forth in this Resolution is a fair and reasonable method of apportioning the solid waste cost amongst the parcels of assessed property, and consistent with Florida law. The Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel.

Section 6. Description of Solid Waste Services, Facilities, or Programs to be provided. The services to be provided will be solid waste and recyclable materials collection, and disposal services, facilities and programs to residential properties within the City.

Section 7. Solid Waste Cost to be Assessed. For the fiscal year beginning on October 1, 2023, the estimated solid waste cost to be assessed shall be \$ 37,551,429.30 (the "Solid Waste Cost").

Section 8. Establishment of Annual Solid Waste Service Assessment Rate. For the fiscal year beginning on October 1, 2023 for which the Assessments for solid waste and recyclable materials collection and disposal services, facilities, and programs are to be re-imposed, the Solid Waste Cost shall be allocated among all parcels of assessed property, based on each parcel's classification as residential property pursuant to Section 50.02 of the City Code and the number of dwelling units for each parcel. An estimated rate of assessment equal to \$432.67 for each Dwelling

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Unit for solid waste and recyclable materials collection and disposal services is hereby established and approved for the 2023-2024 fiscal year. The estimated total revenue the City will collect from the fiscal year 2023-2024 Assessment is \$ 37,551,429.30.

Section 9. Authorization of Public Hearing. A public hearing shall be held during a regular City Council Meeting Monday, September 11, 2023, at 6:30 p.m. in Council Chambers at City Hall, Building A, 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida 34984 for the purpose of (a) receiving and considering comments on the Assessments from affected property owners and the public; (b) considering the adoption of the annual rate resolution for the upcoming fiscal year; and (c) authorizing the re-imposition of the Assessments for solid waste and recyclable materials collection services and disposal services for the fiscal year beginning October 1, 2023, and collecting such assessments via the uniform method of collection on the same tax bill as non-ad valorem taxes.

Section 10. Direction to City Manager.

(A) The City Manager or his designee is hereby authorized and directed to prepare or cause to be prepared, an updated Assessment Roll for the fiscal year beginning October 1, 2023, 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 on the Tax Roll; (2) the name and address of each owner of record for each parcel as shown on the Tax Roll; and (3) the amount of the Assessment to be imposed against each such parcel of assessed property. A copy of this Preliminary Rate Resolution, the Ordinance, and the updated Assessment Roll shall be maintained in the office of the City Clerk of the City 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 Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(B) The City Manager or his designee is hereby authorized and directed to publish a notice, as required by Section 50.21(d) of the Ordinance, in substantially the form attached hereto as Appendix "A," incorporated herein by reference. Such notice by publication shall be published not later than August 21, 2023, in a newspaper of general circulation within the City.

(C) The City Manager or his designee is hereby authorized and directed to provide notice by first class mail to affected owners of each parcel of assessed property pursuant to the requirements of Section 50.21(e) of the Ordinance. Such notice shall be in substantially the form

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attached hereto as Appendix “B,” incorporated herein by reference and shall be mailed not later than August 21, 2023.

Section 11. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 12. 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 13. Effective Date. This Preliminary Rate 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 _____ day of _____, 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE:

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
James D. Stokes, City Attorney

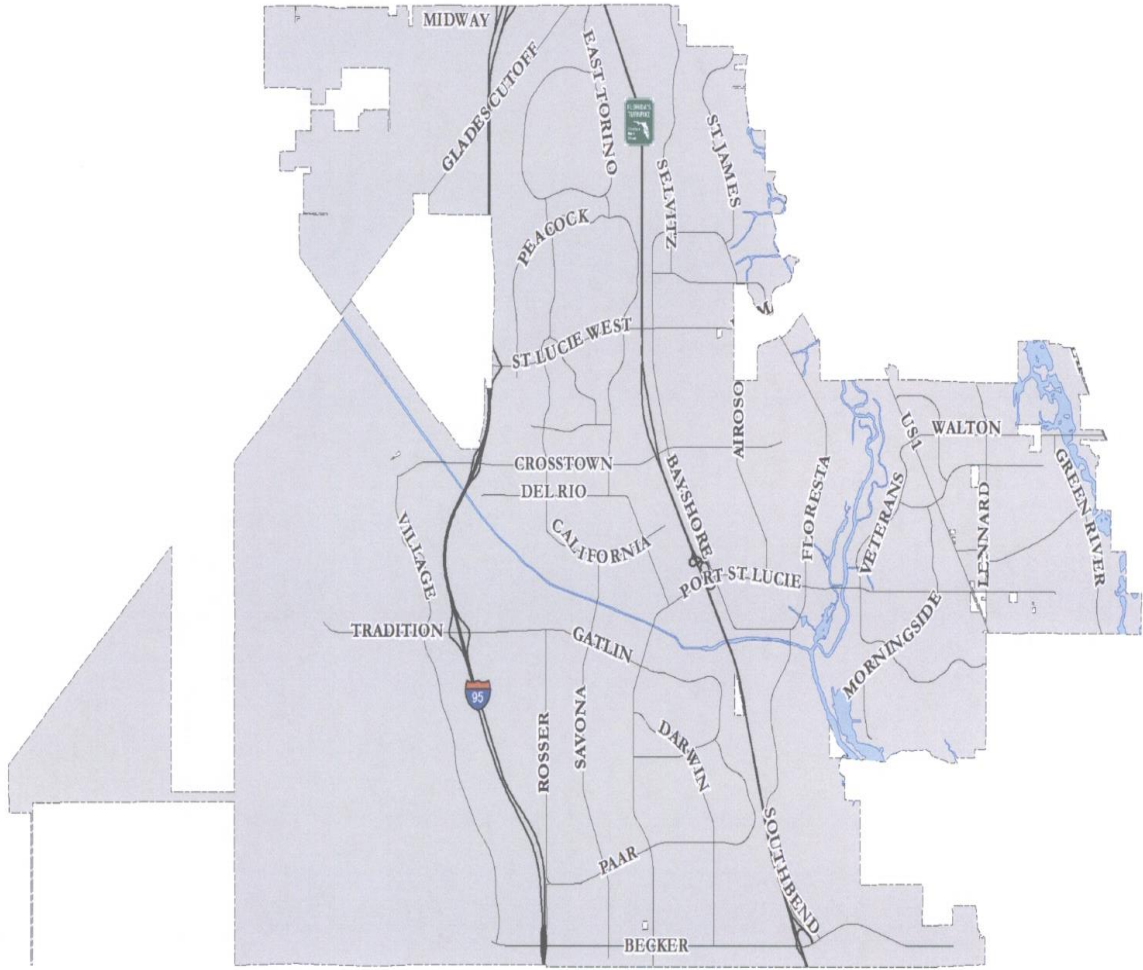
APPENDIX A

FORM OF NOTICE TO BE PUBLISHED NO LATER THAN: August 21, 2023.

CITY COUNCIL OF
CITY OF PORT ST. LUCIE, FLORIDA

Area to be assessed:

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APPENDIX B

FORM OF NOTICE TO BE MAILED NO LATER THAN: August 21, 2023.