

RESOLUTION NO. 12-R78

COUNCIL ITEM 11F
DATE 7/23/12

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN PORT ST. LUCIE, FLORIDA; ESTABLISHING THE ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; 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 Council ("Council") of the City of Port St. Lucie, Florida ("City"), has enacted Ordinance No. 07-79 ("Ordinance"), which authorizes the annual re-imposition of Solid Waste Service Assessments for solid waste collection and disposal services, facilities, or programs against certain assessed property within the incorporated limits of the City of Port St. Lucie;

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; and

WHEREAS, the Council desires to collect the annual Solid Waste Assessments within the City using the tax bill collection method for the fiscal year beginning on October 1, 2012 and collect delinquent solid waste services charges for the 12-13 fiscal year.

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

Section 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 50, Article II, the Solid Waste Service Assessments Ordinance (Ordinance No. 07-79, the "Ordinance") and 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 re-imposition of Solid Waste Service Assessments for the fiscal year beginning October 1, 2012. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the

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Ordinance. 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 incorporated limits of the City, 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 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, 2012, for which Solid Waste Service Assessments for solid waste 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 upon each parcel's classification as residential property pursuant to Sec. 50.02, Port St. Lucie City Code and the number of dwelling units for such parcels. A rate of assessment equal to \$268.36 for each Dwelling Unit for solid waste collection and disposal services is hereby approved for fiscal year 2012-2013. The estimated total revenue the City will collect from the Solid Waste Service Assessment is \$17,409,855.00.

(B) The City Manager or his designee is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the fiscal year beginning October 1, 2012 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

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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, 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 7:00 p.m. on August 13, 2012, 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 any comments on the Solid Waste Service Assessments from affected property owners and (B) authorizing the re-imposition of such Solid Waste Service Assessments for solid waste collection and disposal for the fiscal year beginning October 1, 2012 and collecting such assessments on the same bill as ad valorem taxes.

Section 7. NOTICE BY PUBLICATION. The City Manager or his designee shall publish a notice, as required by Section 50.21(d) of the Ordinance, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than July 24, 2012 in a newspaper generally circulated in St. Lucie County.

Section 8. NOTICE BY MAIL. In the event circumstances described in Section 50.21(h)(6) of the Ordinance occur, the City Manager or his designee shall also provide notice by first class mail substantially in the form attached hereto as Appendix B to the Owner of each parcel of Assessed Property assessed for the first time, as required by

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Sections 50.21(h)(6) and 50.21(e). Such notices shall be mailed not later than July 24, 2012.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THIS 23rd DAY OF JULY, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE:

By: _____
JoAnn M. Faiella, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: _____
Roger G. Orr, City Attorney

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APPENDIX A FORM OF NOTICE TO BE PUBLISHED

To be published no later than July 24, 2012:

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

Notice is hereby given that the City Council of the City of Port St. Lucie, Florida, will conduct a public hearing to re-impose Solid Waste Service Assessments for the fiscal year beginning October 1, 2012 within the Solid Waste Services Assessment Area against certain residential property located within the incorporated area of the City, to fund the cost of solid waste collection and disposal services, facilities, and programs, and to authorize collection of such assessments on the tax bill.

The Solid Waste Service Assessments will be computed by multiplying the number of dwellings on each parcel by the rate of assessment plus any unpaid or delinquent charges for solid waste incurred between October 1, 2012 and September 30, 2013. The rate of assessment for the upcoming fiscal year shall be \$268.36, which is an increase in the amount of \$5.74 from last year. The total revenue the City will collect by the Assessment is estimated to be \$17,409,855.00 for fiscal year 2012-2013.

A public hearing will be held at 7:00 P.M. on August 13, 2012, in Council Chambers, City Hall, Building A, 121 S.W. Port St. Lucie Blvd., Port St. Lucie, FL 34984 for the purpose of receiving public comment on the Assessment Roll. All affected property owners have a right to appear at the hearing and to file written objections with the City Clerk within 20 calendar days of the date of this notice.

Copies of the Solid Waste Services Assessment Ordinance (Ordinance 07-79) and this 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 2012 fiscal year are available for inspection at the City Clerk's office, located at City Hall, Building A, 121 S.W. Port St. Lucie Blvd, Port St. Lucie, Florida 34984.

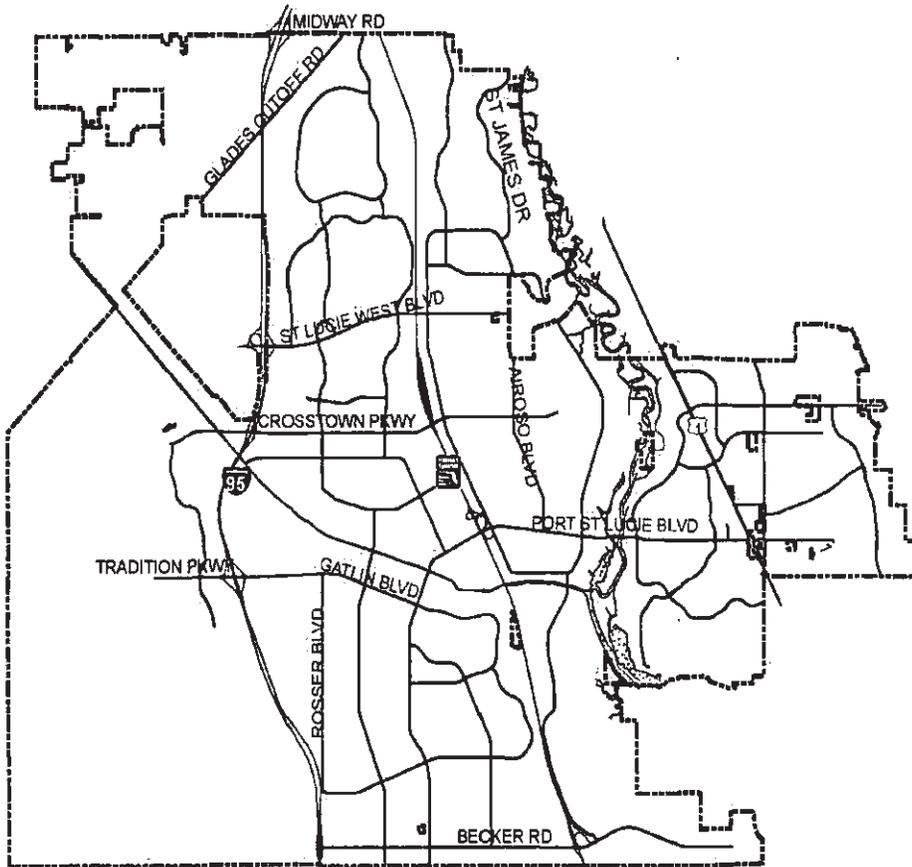
If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the

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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 (772) 871-5157 or (772) 873-6340 TDD at least seven days prior to the date of the hearing.

If you have any questions, please contact the City's Legal Department at (772) 334-4386, Monday through Friday between 8:00 a.m. and 5:00 p.m. The Assessments will be collected on the non-ad valorem portion of the tax bill to be mailed in November 2012, as authorized by section 197.3632, Florida Statutes. Failure to pay the Assessment will cause a tax certificate to be issued against the property, which may result in a loss of title to the property.

CITY COUNCIL OF
THE CITY OF PORT ST. LUCIE, Florida



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**APPENDIX B
FORM OF NOTICES TO BE MAILED**

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

As required by § 197.3632, Florida Statutes, notice is hereby given by the City of Port St. Lucie, Florida, that an annual assessment using the tax bill collection method may be levied on your property for the purpose of funding solid waste collection and recycling services (i.e. garbage collection). The use of an annual special assessment for solid waste services within the City of Port St. Lucie has proven to be a fair, efficient, and effective means of funding these services. The assessment for each property is calculated by multiplying the number of dwelling units on each parcel by the rate of assessment. The proposed assessment rate per dwelling for fiscal year 2012-2013 is \$268.36

The total number of dwelling units calculated for the above referenced parcel is 1.00 for which the City proposes an assessment of \$268.36 for fiscal year 2012-2013.

The total revenue the City will collect by the assessment is estimated to be \$17,409,855.00 for fiscal year 2012-2013. The solid waste assessment will be levied and collected in the same manner as ad valorem taxes by the Tax Collector of St. Lucie County and will appear on the "non-ad valorem" portion of the 2012 tax bill and future bills. If you fail to pay an assessment when due, a tax certificate may be sold against your property and may result in a loss of title to the property.

All affected property owners have the right to appear and be heard at a public hearing held by the City Council and have the right to file written objections with the City Clerk within twenty (20) days of this notice. The public hearing is to be held on Monday, August 13, 2012 at 7:00 p.m. in the Council Chambers, City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida. At the hearing, the City Council will consider comments and objections to the solid waste assessment roll, and will approve the assessment roll as final with any changes, as necessary. Upon the filing of such assessment roll with the St. Lucie County Tax Collector, the assessments shall stand as legal, valid and binding liens, co-equal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid. In accordance with the Americans with Disabilities Act, persons needing special accommodations should contact the City Clerk's office at (772) 871-5157 at least seven days prior to the hearing. You may also direct general inquiries to Waste Pro of Florida, Inc. staff at (772) 595-9390, Monday through Saturday between 8:00 a.m. and 5:00 p.m.

If you decide to appeal any decision made by the City Council 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. Unless proper steps are initiated within a court of competent jurisdiction to secure relief within 20 days from the date of City Council 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 in the City Clerk's Office, located at 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida.

SOLID WASTE ASSESSMENT PUBLIC HEARING NOTICE

THIS IS NOT A BILL --- DO NOT PAY

MEMORANDUM

TO: GREGORY J. ORAVEC, CITY MANAGER

THRU: PAM E. BOOKER, SENIOR ASSISTANT CITY ATTORNEY 

FROM: STEFANIE BESKOVOYNE 

DATE: JULY 17, 2012

SUBJECT: FY 2012-2013 RESIDENTIAL STREET LIGHTING ASSESSMENT
FY 2012-2013 SOLID WASTE ASSESSMENT
ANNUAL RATE RESOLUTIONS

Attached you will find resolutions establishing the rates for street lighting special assessment rate and solid waste for fiscal year 2012/2013. Please note that the rate for street lighting has not changed from fiscal year 2011/12; however, the rate for solid waste has increased by \$5.74 to \$268.36.

If you have any questions or need any additional information, please contact me at x.5255.

RGO/dmf
Attach.

RECEIVED

JUN 17 2012

City Manager's Office