

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, 2011; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; 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 for solid waste collection and disposal services, facilities or programs against certain Assessed Property within the City; 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 the Solid Waste Cost among parcels of Assessed Property; and

WHEREAS, the Council desires to continue the assessment program for solid waste collection and disposal services, facilities or programs within the City using the tax bill collection method for the fiscal year beginning on October 1, 2011; and

WHEREAS, the Council, on August 8, 2011, adopted Resolution No. 11-R47 (the "Preliminary Rate Resolution"), containing a brief and general description of the solid waste collection and disposal services, facilities or programs to be provided to Assessed Property; describing the method of apportioning the Solid Waste Cost to compute the Solid Waste Service Assessment for solid waste collection and disposal services, facilities or programs against certain residential Improved Property; designating a 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, 2011, the Ordinance requires the City to adopt an Annual Rate Resolution for each fiscal year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming fiscal year, with such amendments as the Council deems appropriate, 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 such Owners of their opportunity to be heard, an affidavit regarding the form of notice mailed to each owner of residential Improved Property being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 12, 2011, 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. 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"); and Resolution No. 11-R47 (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 2. 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 3. REIMPOSITION OF SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of solid waste collection and disposal services, facilities or 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, determined and declared that each parcel of Assessed Property within the

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City will be benefited by the City's provision of solid waste collection and disposal services, facilities or programs in an amount not less than the Solid Waste Service Assessment for such parcel, 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 collection and disposal services, facilities or programs to be provided and 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, 2011, the Solid Waste Cost shall be allocated among all parcels of Assessed Property, based upon each parcels' 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 \$262.62 is hereby imposed for each dwelling unit. Solid Waste Service Assessments for solid waste collection and disposal services, facilities or 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 so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by 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 tax bill collection method in the manner prescribed by the Ordinance. 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 Appendix C.

SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 5. 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 collection and disposal services, facilities or 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 6. EFFECTIVE DATE. This 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 12th day of September, 2011.

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

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

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AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Laurie Lowe, Finance Department, who after being duly sworn, deposes, and says:

1. I, Laurie Lowe, pursuant to the authority and direction received from the City Council of the City of Port St. Lucie, timely directed the preparation of the Solid Waste Assessment Roll and the preparation, mailing, and publication of notice in accordance with Chapter 50, City of Port St. Lucie, Code of Ordinances, and Florida Statute section 197.3632, in conformance with the Preliminary Rate Resolution adopted by the Council on August 8, 2011.

2. In accordance with the Ordinance and Florida Statutes, I supervised and directed the mailing of individual mailed notices to the owner of each Assessed Property contained in the Solid Waste Assessment Roll. The notice was substantially in the form as contained in the Preliminary Rate Resolution and included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the public hearing.

FURTHER AFFIANT SAYETH NOT.

Laurie Lowe, Finance Department

STATE OF FLORIDA

COUNTY OF ST. LUCIE

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2011, by Laurie Lowe. She is personally known to me and did take an oath.

Notary Public, State of Florida

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APPENDIX B
PROOF OF PUBLICATION

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, 2011 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, 2010 and September 30, 2011. The rate of assessment for the upcoming fiscal year shall be \$262.62, which is unchanged from last year. The total revenue the City will collect by the Assessment is estimated to be \$16,994,403.00 for fiscal year 2011-2012.

A public hearing will be held at 7:00 P.M. on September 12, 2011, 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 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 2011 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.

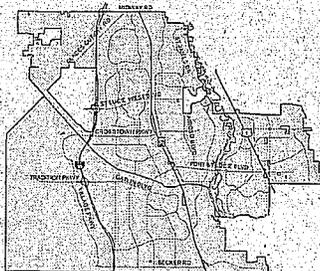
If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. 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 2011, 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

Karen A. Phillips, City Clerk

Publish: August 18, 2011 2305943



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APPENDIX C
FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL

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CERTIFICATE OF NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Finance Director/Treasurer of the City of Port St. Lucie located in St. Lucie County, Florida. As such, I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste services ("Solid Waste Assessment Roll") for the City is properly assessed so far as I have been able to ascertain and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law. The relative numbers thereto involved are as follows for the 2011 Roll:

Current:
Number of Units:
Total Amount of Dollars:

Delinquent:
Number of Units:
Total Amount of Dollars:

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Solid Waste Assessment Roll will be delivered to the St. Lucie County Tax Collector by September 15, 2011.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the St. Lucie County Tax Collector and made part of the above-described Solid Waste Assessment Roll this ____ day of _____, 2011.

**CITY OF PORT ST. LUCIE
ST. LUCIE COUNTY, FLORIDA**

By: _____

**Marcia Dedert,
Finance Director/Treasurer**

[to be delivered to the Tax Collector prior to September 15, 2011]