

## **RESOLUTION NO. 2018-01**

**A PRELIMINARY RATE RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; PURSUANT TO THE SECTION 2.08, ORDINANCE NO. 784 RELATING TO THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES; SETTING FORTH A BRIEF DESCRIPTION OF SOLID WASTE SERVICES PROVIDED; DETERMINING THE SOLID WASTE ASSESSED COST FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING AND SETTING A PUBLIC HEARING TO CONSIDER COMMENTS FROM THE PUBLIC CONCERNING ADOPTION OF AN ANNUAL RATE RESOLUTION; DIRECTING THE CITY ADMINISTRATOR TO UPDATE THE ASSESSMENT ROLL; AND TO PROVIDE NECESSARY NOTICE THEREOF TO AFFECTED LANDOWNERS IN THE CITY OF OKEECHOBEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Okeechobee, Florida has enacted Ordinance No. 784, which authorized the imposition of Solid Waste Assessments against certain assessable property located within the incorporated area of the City of Okeechobee, Florida; and

**WHEREAS**, the City of Okeechobee, Florida has previously duly noticed and conducted a public hearing on **July 10, 2018**, which provided the opportunity to hear testimony and take written objections from the public and interested parties in accordance with Section 197.3632 Florida Statutes, and conjunction therewith, provided written notice to all affected property owners as to the effective time period, geographic area, and the maximum rate to be assessed against each parcel, and such additional information as required by law, and

**WHEREAS**, Section 197.3632(5) requires that by September 15 of each year thereafter, the chair of the local governing board must certify a non-ad valorem assessment roll to the Tax Collector, which is necessary for the imposition of such assessments; and

**WHEREAS**, the imposition of an annual Solid Waste Assessment is an equitable and efficient method of allocating and apportioning solid waste collection and disposal costs among parcels of property within the incorporated area of the City of Okeechobee, Florida; and

**WHEREAS**, Ordinance No. 784 Section 2.08 thereof requires that prior to the adoption of an annual rate resolution that the City must enact a preliminary rate Resolution, which includes the requirement of the City Administrator for the City of Okeechobee, to prepare an updated assessment roll; and

**WHEREAS**, the City Council desires to continue the Solid Waste Collection Assessment program for the Fiscal Year beginning on **October 1, 2018**, and said assessment is a non-ad valorem assessment; and

**NOW, THEREFORE**, be it resolved before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

### **SECTION 1: AUTHORITY.**

This Resolution is adopted pursuant to the provisions of Ordinance No. 784; Resolution 01-08, Florida Statutes 197 and other applicable provision of law.

### **SECTION 2: PURPOSE AND DEFINITIONS.**

This Resolution constitutes a preliminary rate resolution as defined in Ordinance No. 784, Section 2.08, and previously adopted. The amount of the solid waste assessment imposed each Fiscal Year against each parcel of improved property shall be based on one or more of the following:

- a. Classification of improved property reasonably related to the generation of solid waste or recovered materials.
- b. The physical characteristics of a specific parcel or building.
- c. Any other factor reasonably related to the generation of solid waste or recovered materials; or
- d. Any combination of the foregoing; provided however, that the factor or combination of factors employed to compute the solid waste assessment shall result in a rate of assessment not in excess of the special benefit accruing to such parcel of improved property.

**SECTION 3: DESCRIPTION OF SERVICES.**

The services, facilities and programs to be provided to the citizens of the City of Okeechobee for solid waste collection for the upcoming Fiscal Year include the continuation of a franchise with a solid waste company acceptable to the City for the provision of such services; for such company to provide the labor and equipment necessary to fulfill solid waste services; to provide receptacles for collection; to provide for scheduled and emergency pick up services; to provide for pick-up of white goods, trash and yard debris; and such other services customarily associated with such franchise services.

**SECTION 4: SOLID WASTE ASSESSED COSTS AND ESTIMATED RATES.**

It is determined that the solid waste assessed costs to be assessed for the upcoming Fiscal Year is the estimated sum of **\$414,750.24** and that this cost will be apportioned among customers at an estimated assessment rate for the upcoming Fiscal Year in the annual sum of **\$234.72**.

**SECTION 5: UPDATING ANNUAL ASSESSMENT ROLL.**

That the City Administrator is directed to prepare an updated assessment roll for the Fiscal Year ending **September 30, 2019**, in the manner provided for in Ordinance No. 784. The updated assessment roll shall be certified on a compatible electronic medium with that of the Tax Collector, and shall post the non-ad valorem assessment for each parcel on the roll, to be presented to the City Council for adoption at an annual rate resolution, which shall be certified to the Tax Collector before September 15 of the current year. The City Council may make corrections or alterations to the roll up to 10 days prior to certification to the Tax Collector.

**SECTION 6: PUBLIC HEARING.**

The City Council authorizes and sets for public hearing the adoption of the annual assessment roll pursuant to Ordinance No. 784, Section 2.08, to receive public comment pertaining to adoption of the annual assessment roll on the following date and time, which shall be duly published by the City Clerk for the City of Okeechobee, Florida, to-wit:

**DATE: Tuesday, July 10, 2018**  
**TIME: 6:00 p.m., or as soon thereafter as can be heard.**  
**PLACE: City Hall, 55 S.E. 3rd Avenue, Room 200, Okeechobee, Florida.**

The City Clerk is further directed to provide any supplemental or additional notice of adoption of the annual assessment roll as may be deemed proper, necessary or convenient to the City.

**SECTION 7: CONFLICT.**

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 8: SEVERABILITY.**

That if any portion of this Resolution should be judicially determined to be unenforceable, and then the balance thereof shall continue to remain in full force and effect.

**SECTION 9: EFFECTIVE DATE.**

This Resolution shall become effective immediately upon its adoption.

**INTRODUCED AND ADOPTED** at a Public Hearing held this **10<sup>th</sup>** day of **July, 2018**.

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Dowling R. Watford, Jr., Mayor

**ATTEST:**

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Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

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John R. Cook, City Attorney