

RESOLUTION NO. 2021-03

A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES; CONTINUING IMPOSITION OF THE SOLID WASTE COLLECTION ASSESSMENT PREVIOUSLY ESTABLISHED BY RESOLUTION 01-08; ADOPTING THE ANNUAL RATE RESOLUTION AS PERMITTED BY ORDINANCE 784 FOR FISCAL YEAR 2021-22; APPROVING THE PRELIMINARY RATE RESOLUTION; AND CERTIFYING THE SOLID WASTE ASSESSMENT ROLL AS AUTHORIZED BY FLORIDA STATUTES 197.3632(4)(5) AS NECESSARY UNDER FLORIDA STATUTES 197.3632; PROVIDING FOR PUBLIC HEARING AND COMMENT; 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 6, 2021**, 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, Florida Statutes 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 solid waste collection and disposal costs among parcels of property within the incorporated area of the City of Okeechobee, Florida; and

WHEREAS, the City Council desires to continue the Solid Waste Collection Assessment program for the Fiscal Year beginning on **October 1, 2021**, and said assessment is a non-ad valorem assessment; and

WHEREAS, the City has previously adopted a preliminary rate Resolution for **Fiscal Year 2021-22** which adopted an estimated assessment rate, and which set the matter for public hearing this date to consider adoption of the annual assessment.

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 continues an annual 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 specified 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: SOLID WASTE COLLECTION AND ANNUAL ASSESSMENT ROLL.

- a. It is hereby ascertained, determined and declared that continued imposition of an annual Solid Waste Assessment consistent with the maximum Assessment Rate schedule in Section 2.08 of Ordinance No. 784, and Resolution No. 01-08, and also as adopted as the preliminary rate resolution for **Fiscal Year 2021-22** adopted by the City Council at a duly advertised hearing continues to be a fair reasonable method of allocating waste collection and disposal costs among parcels of property within the incorporated area of the City of Okeechobee, Florida.
- b. That the City Administrator has caused to be prepared the assessment roll for the Fiscal Year beginning **October 1, 2021**, and ending **September 30, 2022**, in the manner provided for in Ordinance No. 784. The solid waste collection and disposal cost for which the solid waste collection and disposal assessment is intended to pay is **\$441,779.04**. The cost shall be apportioned among the parcels of real property within the incorporated area of the City of Okeechobee, Florida as reflected on the assessment roll.
- c. It is hereby ascertained, determined, and declared that based upon the findings set forth in paragraph (a) and the solid waste collection and disposal cost described in paragraph (b), the Rate of Assessment for the **2021-22 Fiscal Year** as set forth in Appendix A and attached hereto and incorporated herein to continue an increase in the Assessment Rate included in any notice previously provided to owners of assessable property pursuant to Ordinance No. 784, Resolution 01-8, and Chapter 197 Florida Statutes.
- d. That the Solid Waste Collection Assessment Roll as presented by the City Administrator is hereby approved and adopted for the **2021-22 Fiscal Year**, and the chair of the local governing board being the Mayor for the City of Okeechobee, Florida or his designee, shall certify this non-ad valorem assessment roll on compatible electronic medium to the Tax Collector for Okeechobee County, Florida by **September 15, 2021**, which roll shall contain the posting of the non-ad valorem assessment for each parcel.

SECTION 4: ESTABLISH MAXIMUM RATE OF ASSESSMENT.

That the rate of assessment set forth in Appendix A for the year **2021** is adopted as the rate of assessment for the **2021-22 Fiscal Year**. The City of Okeechobee, through the chair or his or her designee, reserves the right to make such alterations to the assessment roll for up to ten days prior to such certification if errors or omissions are discovered in the roll.

SECTION 5: CONFLICT.

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

SECTION 6: SEVERABILITY.

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

SECTION 7: EFFECTIVE DATE.

This Resolution shall become effective immediately upon its adoption.

INTRODUCED AND ADOPTED during a Public Hearing held this **6th** day of **July, 2021**.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, Esq., City Attorney

Appendix A

The assessments will be computed by multiplying the rate of assessment by, the number of dwelling units for residential property uses. A single unit will be assessed on the following schedule:

The amount to be levied in the year 2021:	\$247.08
The maximum amount to be levied in the year 2022:	\$259.44
The maximum amount to be levied in the year 2023:	\$272.42
The maximum amount to be levied in the year 2024:	\$286.05
The maximum amount to be levied in the year 2025:	\$300.36
The maximum amount to be levied in the year 2026:	\$315.38
The maximum amount to be levied in the year 2027:	\$331.15

The total annual revenue to be collected by this assessment for FY 2021-22 is:	\$441,779.04
The estimated total annual revenue to be collected by this assessment for FY 2022-23:	\$463,878.72
The estimated total annual revenue to be collected by this assessment for FY 2024-25:	\$487,086.96
The estimated total annual revenue to be collected by this assessment for FY 2025-26:	\$511,457.40
The estimated total annual revenue to be collected by this assessment for FY 2026-27:	\$537,043.68
The estimated total annual revenue to be collected by this assessment for FY 2027-28:	\$563,899.44
The estimated total annual revenue to be collected by this assessment for FY 2028-29:	\$592,096.20