

RESOLUTION NO. 2022-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE CITY OF GREENACRES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF GREENACRES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Greenacres Ordinance No. 2018-15, adopted on August 20, 2018, provides for the home rule authority of the City to impose Residential Solid Waste Collection Services Assessments against residential property located within the City, and provides findings of special benefit to real property as a result of such services; and,

WHEREAS, the City has in place a Solid Waste and Recycling Collection Contract with Advanced Disposal Services Solid Waste Southeast, Inc. (hereinafter "Advanced Disposal"), pursuant to which the City provides Residential Solid Waste Collection Services to; among others, all residential properties that receive Residential Solid Waste Collection Services within the City; and,

WHEREAS, the City Council desires to impose a Residential Solid Waste Collection Services Assessment within the City for the Fiscal Year beginning on October 1, 2022 using the tax bill collection method; and,

WHEREAS, Ordinance 2018-15 requires the City Council to adopt an Annual Assessment Resolution during its budget adoption process, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year; and,

WHEREAS, the City Council has determined that the adoption of this Annual

Assessment Resolution and the Assessment Roll for the Fiscal Year beginning October 1, 2022 serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the City Council as true and correct statements and incorporated herein by this reference.

Section 2. This Resolution is adopted pursuant to the provisions of Ordinance 2018-15 and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 3. The rate schedule attached hereto as Exhibit "A" and hereby incorporated herein by reference, and also the schedule of costs attached hereto as Exhibit "B" specifying the Residential Solid Waste Collection Services Assessed Rates and Costs determined in Section 9 of this Final Assessment Resolution and the Residential Solid Waste Collection Services Assessments established in Section 9 of this Final Assessment Resolution.

Section 4. Upon the imposition of the Residential Solid Waste Collection Services Assessment for Residential Solid Waste Collection Services upon assessed property located within the City, the City shall provide Residential Solid Waste Collection Services to such assessed property through the Collection Contract. The cost to provide such Residential Solid Waste Collection Services to Assess Properties, as described herein, shall be funded from the proceeds of the Residential Solid Waste Collection Services Assessment. It is hereby ascertained, determined, and declared that each parcel of

assessed property located within the City will be benefited by the City's provision of Residential Solid Waste Collection Services in an amount not less than the Residential Solid Waste Collection Services Assessment imposed against such parcel, computed in the manner set forth in this Final Assessment Resolution.

Section 5. Residential Solid Waste Collection Services Assessments shall be imposed against all assessed properties that receive Residential Solid Waste Collection Services, as provided herein. The Cost Apportionment described herein is approved and adopted as the methodology to impose and compute the Residential Solid Waste Collection Services Assessment.

IMPOSITION AND COLLECTION

5.1 The Residential Solid Waste Collection Services Assessments to be imposed pursuant to this Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

5.2 The Residential Solid Waste Collection Services Assessment imposed pursuant to this Resolution is imposed by the City Council of the City of Greenacres, not the Palm Beach County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution, and pursuant to the City's agreements with such entities, shall be construed as ministerial.

APPORTIONMENT

5.3 The size or the value of the Residential Property does not determine the scope of the required solid waste services. The potential demand for Residential Solid

Waste Collection Services is driven by the existence of a Residential unit and the type and frequency of collection provided.

5.4 Apportioning the Residential Solid Waste Assessed Costs for Residential Solid Waste Collection Services attributable to assessed properties on a per Residential unit basis according to the type and frequency of service provided is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method.

5.5 There are two types of residential service provided:

5.5.1 Curbside solid waste collection and recycling services - the collection of solid waste and recyclable materials from all residential dwelling units that receive individualized solid waste and recycling collections services generally using individual containers for each residential dwelling unit ("Curbside"); or

5.5.2 Containerized solid waste collection and recycling services - the collection of solid waste and recyclable materials from all residential dwelling units that use central or shared containers, with or without a compactor, and not by means of individual containers ("Containerized").

5.6 The frequency of solid waste collection shall be 2 times per week for all Curbside solid waste collection and recycling services, and 2 or 3 times per week, as deemed necessary and upon request by the residential property owners, for all Containerized solid waste collection and recycling services.

5.7 Unoccupied Residential units in the City may not receive residential Solid Waste Collection Services during such time as the Residential unit is unoccupied, however, the City cannot know which Residential units are unoccupied at the time the

assessments are levied. Therefore, it is fair and reasonable to impose the assessment on all Residential units designated on the Solid Waste Assessment Roll and which are expected to or actually receive Residential Solid Waste Collection Services. Unoccupied Residential units also derive some benefit from the provision of Residential Solid Waste Collection Services to neighboring Residential units, which avoids blight and health and safety issues associated with the accumulation of solid waste in the surrounding areas and neighborhood.

Section 6. The Collection Contract provides for an annual charge to the assessed properties for the Residential Solid Waste Collection Services provided by the city through its Collection Contract. The Residential Solid Waste Collection Services Assessed Costs include other costs associated with the Residential Solid Waste Collection Assessment, which are then allocated to the assessed properties in addition to the annual charge in the Collection Contract to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Residential units on such Tax Parcel. For the Fiscal Year commencing October 1, 2022, the annual charge per residential unit for Solid Waste Collection services shall be assessed according to the following service types and frequencies:

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|------------|--|-----------|
| 6.1 | Curbside service, Frequency 2 times per week
(\$171.50 with tax collector discount) | \$ 178.60 |
| 6.2 | Containerized pickup, Frequency 2 times per week
(\$114.40 with tax collector discount) | \$ 119.20 |
| 6.3 | Containerized pickup, Frequency 3 times per week
(\$151.40 with tax collector discount) | \$ 157.70 |

Section 7. The Residential Solid Waste Collection Service Assessed Costs to be assessed and apportioned among assessed properties pursuant to the cost Apportionment for the Fiscal Year commencing October 1, 2022, is the amount determined in the Residential Solid Waste Collections Services Cost Schedule, attached hereto as Exhibit B. The proposed Residential Solid Waste Collection Services Assessments specified in the Assessment Rate Schedule, attached hereto as Exhibit A, are hereby established to fund the Residential Solid Waste Collection Services Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2022. The Residential Solid Waste Collection Services Assessments established in this Annual Assessment Resolution shall be the assessment rates applied by the Assessment Coordinator in the preparation of the updated Residential Solid Waste Collection Services Assessment Roll for the Fiscal Year commencing October 1, 2022.

SECTION 8. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Residential Solid Waste Collection Services Assessment).

SECTION 9. The Assessment Roll, as defined in Ordinance 2018-15, shall be filed with the City Clerk and the Residential Solid Waste Collection Services Assessments set forth therein shall stand confirmed. All Residential Solid Waste Collection Services Assessments shall constitute legal, valid, and binding first liens, unless otherwise provided by law, upon property against which such Assessments are made until paid.

SECTION 10. The Assessment Roll, as adopted and approved herein, shall be certified by the Assessment Coordinator and delivered no later than September 15, 2022, to the Palm Beach County Property Appraiser.

SECTION 11. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

SECTION 12. That all prior Resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 13. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

RESOLVED AND ADOPTED this 18th of day of July 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Deputy Mayor

Voted:

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Suzy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney