

RESOLUTION NO. 46-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DIRECTING THE PREPARATION OF A NON-AD VALOREM ASSESSMENT ROLL RELATED TO REFUSE SERVICES, FACILITIES, AND PROGRAMS FOR FISCAL YEAR 2022-2023; PROVIDING FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE ANNUAL ASSESSMENT RESOLUTION APPROVING SUCH ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the City of Lake Worth, Florida (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, since 2009, the City has been charging a refuse services, facilities, and programs assessment as a non-ad valorem assessment pursuant to the authority set forth in this Resolution; and

**WHEREAS**, by July 22, 2022, the City must submit a preliminary tax roll for the upcoming fiscal year (2022-2023) refuse services, facilities, and programs assessment to the Palm Beach County Property Appraiser and then adopt the annual refuse services, facilities, and programs assessment at a public hearing by September 15, 2022;

**WHEREAS**, this Resolution directs the preparation of the preliminary refuse services, facilities, and programs assessment roll for the upcoming fiscal year and submittal of the same to the Property Appraiser and sets a public hearing for September 8, 2022 for the adoption of the annual refuse services, facilities, and programs assessment; and,

**WHEREAS**, the City Commission has determined that the preparation and submittal of the preliminary refuse services, facilities, and programs assessment roll and setting of the public hearing for the adoption of the annual refuse services, facilities, and programs assessment serves a proper public purpose and is in the best interests of the City.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1. RECITALS.** The foregoing recitals are incorporated into this Resolution as true and correct findings of the City.

**SECTION 2. AUTHORITY.** This Resolution is adopted pursuant to City Ordinance No. 2009-22 (as may be amended from time to time, and as codified in Chapter 2, Article XVIII of the City Code of Ordinances, the "Assessment Ordinance"), City Resolution No.

41-2009 (as amended and supplemented from time to time, the "Initial Assessment Resolution"), Sections 166.021, 166.041, and 197.3632, Florida Statutes, and other applicable provisions of law. Any capitalized terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance and the Initial Assessment Resolution.

**SECTION 3. FINDINGS.** It is hereby ascertained, determined, and declared as follows:

(A) Pursuant to the Assessment Ordinance, the City adopted the Initial Assessment Resolution approving the Refuse Services, Facilities, and Programs (then referred to as Solid Waste Services) Assessment Roll and imposing Assessments to provide for the funding of the Refuse Services, Facilities and Programs for the Fiscal Year Commencing October 1, 2009.

(B) The Assessment Ordinance requires adoption of an Annual Assessment Resolution for each Fiscal Year confirming or amending the Refuse Services, Facilities, and Programs Assessment Roll.

(C) The City Commission desires to provide notice required by the Assessment Ordinance of its intent to consider and adopt the Annual Assessment Resolution and approve the Fiscal Year 2022-2023 Refuse Services, Facilities, and Programs Assessment Roll.

**SECTION 4. FISCAL YEAR 2022-2023 REFUSE SERVICES, FACILITIES, AND PROGRAMS ASSESSMENT ROLL.** The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary Refuse Services, Facilities, and Programs Assessment Roll for the fiscal year commencing October 1, 2022, in the manner provided in Section 2-154 of the Assessment Ordinance **in the amount of \$245.15 per Equivalent Residential Unit ("ERU") (which is the same assessment amount as the current fiscal year)**. The preliminary Refuse Services, Facilities, and Programs Assessment Roll shall include the amount of the Fiscal Year 2022-2023 Refuse Services, Facilities, and Programs Assessment for each individual Tax Parcel within the City, and shall exclude any Tax Parcel otherwise exempted from payment of the Assessments under the Initial Assessment Resolution. A copy of the Initial Assessment Resolution and the preliminary Refuse Services, Facilities and Programs Assessment Roll shall be 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 preliminary Refuse Services, Facilities, and Programs Assessment Roll be in printed form if the amount of the Refuse Services, Facilities, and Programs Service Assessment for each parcel of property can be determined by the use of a computer terminal or internet access available to the public. The preliminary assessment roll shall be submitted to the Palm Beach County Property Appraiser by July 22, 2022.

**SECTION 5. PUBLIC HEARING.** A public hearing shall be held by the City Commission on September 8, 2022 at 6:00 PM at Lake Worth Beach City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida, at which public hearing all such owners of property may appear to be heard as to any and all matters pertinent to the adoption of an

Annual Assessment Resolution approving and finalizing the Fiscal Year 2022-2023 Refuse Services, Facilities, and Programs Assessment Roll. In the event of an emergency (or as a means of providing additional access), the public hearing may be conducted via technological means. The City will provide additional information on how the meeting will be conducted on its website.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

The passage of this resolution was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch  
Vice Mayor Christopher McVoy  
Commissioner Sarah Malega  
Commissioner Kimberly Stokes  
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, City Clerk