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4 RESOLUTION NO. 38-2020 OF THE CITY OF LAKE WORTH BEACH,
5 FLORIDA, RELATING TO THE PROVISION OF REFUSE SERVICES,
6 FACILITIES AND PROGRAMS IN THE CITY OF LAKE WORTH BEACH,
7 FLORIDA; RATIFYING AND CONFIRMING THE INTIAL ASSESSMENT
8 RESOLUTION INCLUDING THE DETERMINATION THAT CERTAIN
9 REAL PROPERTY IS SPECIFICALLY BENEFITED BY REFUSE
10 SERVICES, FACILITIES AND PROGRAMS AND THE METHOD OF
11 ASSESSING ASSOCIATED REFUSE SERVICES COSTS AGAINST
12 REAL PROPERTY SPECIALLY BENEFITED THEREBY; ESTABLISHING
13 OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS;
14 APPROVING THE FISCAL YEAR 2020-2021 ASSESSMENT ROLL;
15 PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT
16 TO THE UNIFORM COLLECTION METHOD; AND PROVIDING FOR
17 SEVERABILITY AND AN EFFECTIVE DATE

18
19 BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH
20 BEACH, FLORIDA, AS FOLLOWS:

21
22 SECTION 1. AUTHORITY. This resolution of the City of Lake Worth Beach,
23 Florida (the "City") is adopted pursuant to City Ordinance No. 2009-22 (as may be
24 amended from time to time, and as codified in Chapter 2, Article XVIII of the City Code of
25 Ordinances, the "Assessment Ordinance"), City Resolution No. 41-2009 (as amended
26 and supplemented from time to time, and as particularly supplemented by Resolution No.
27 46-2009, the "Initial Assessment Resolution"), Sections 166.021, 166.041, and 197.3632,
28 Florida Statutes, and other applicable provisions of law.

29
30 SECTION 2. DEFINITIONS. This resolution constitutes both the Final
31 Assessment Resolution and the Annual Assessment Resolution (the "Annual
32 Assessment Resolution") as defined in the Assessment Ordinance due to the increase in
33 the assessment amount as compared to the prior fiscal years. *See Atlantic Gulf*
34 *Communities Corp. v. City of Port St. Lucie*, 764 So. 2d 14 (Fla. 4th DCA 1999) (when
35 the assessment is increased, it is deemed to be levied for the first time under section
36 197.3632(4)(a), Florida Statutes). All capitalized terms in this resolution not otherwise
37 defined herein shall have the meanings defined in the Assessment Ordinance and the
38 Initial Assessment Resolution. "Refuse Services" as used herein shall replace the
39 definition previously used for "Solid Waste Services, including facilities and programs".

40
41 SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as
42 follows:

43
44 (A) The findings provided in Section 1.04 of the Initial Assessment Resolution are
45 hereby ratified, confirmed, and incorporated as if set forth fully herein.

46
47 (B) On August 18, 2009, the City Commission adopted the Initial Assessment
48 Resolution which described the Refuse Services, including facilities and programs (then
49 referred to as the "Solid Waste Services, including facilities and programs"), provided for
50 the funding thereof through Refuse Services Assessments and the method of assessing

51 the cost of such services against the real property located within the City that will be
52 specifically benefited thereby, established a public hearing to consider imposition of the
53 Assessments, directed preparation of the preliminary Refuse Services Assessment Roll
54 and the provision of the notices required by the Assessment Ordinance.
55

56 (C) Pursuant to the Assessment Ordinance, the City Commission is required to
57 repeal or confirm the Initial Assessment Resolution, with such amendments as the City
58 Commission deems appropriate, after hearing concerns and receiving comments or
59 objections of interested parties.
60

61 (D) Pursuant to Resolution 28-2020, the cost of providing Refuse Services
62 including facilities and programs has increased since adoption of the Initial Assessment
63 Resolution in 2009. For Fiscal Year 2020-2021, the rate of Solid Waste Services
64 Assessments is increased to \$245.15 per ERU per year as set forth in the Assessment
65 Roll.

66 (E) Pursuant to Resolution No. 28-2020, the Refuse Service Assessment Roll
67 has heretofore been filed at the offices of the City Clerk, 7 North Dixie Highway, Lake
68 Worth Beach, Florida, and made available for public inspection.
69

70 (F) As required by the terms of the Assessment Ordinance and the Initial
71 Assessment Resolution, notice of a public hearing has been published and mailed to each
72 affected property owner notifying such property owner of the opportunity to be heard. The
73 proof of publication and mailing are available for inspection at the Financial Services
74 Department.
75

76 (G) A public hearing has been duly held on September 10, 2020 and comments
77 and objections of all interested persons have been heard and considered as required by
78 law.

79 (H) The imposition of Refuse Service Assessments for Refuse Services,
80 including facilities and programs for each fiscal year is an equitable and efficient method
81 of allocating and apportioning the Refuse Services Cost among parcels of Assessed
82 Property.
83

84 (I) The Assessments contemplated hereunder will be imposed by the City
85 Commission, not the Property Appraiser or Tax Collector. Any activity of the Property
86 Appraiser or Tax Collector under the provisions of this Resolution shall be construed
87 solely as ministerial.
88

89 (J) The benefits derived from the Refuse Services including facilities and
90 programs exceed the amount of the Assessments levied and imposed hereunder. The
91 Assessment for any Tax Parcel subject thereto does not exceed the proportional benefits
92 that such Tax Parcel will receive compared to any other Tax Parcel.
93

94 (K) The Refuse Services provided for in the Initial Assessment Resolution and
95 contemplated herein are Essential Services which possess a logical relationship to the
96 use and enjoyment of, and relieve a burden created by and provide a special benefit to
97 the Assessed Property by properly, safely and cost effectively disposing of refuse
98 generated on the property.
99

100 (L) Each parcel of Assessed Property within the City will be specially benefited
101 by the City's provision of Refuse Services, facilities, and programs in an amount not less
102 than the Refuse Services Assessment for such parcel, computed in the manner set forth
103 in the Initial Assessment Resolution.

104
105 (M) Adoption of this Annual Assessment Resolution constitutes a legislative
106 determination that all parcels assessed derive a special benefit in a manner consistent
107 with the legislative declarations, determinations and findings as set forth in the
108 Assessment Ordinance, the Initial Assessment Resolution and this Annual Assessment
109 Resolution from the Refuse Services, facilities and programs to be provided and a
110 legislative determination that the Refuse Services Assessments are fairly and reasonably
111 apportioned among the properties that receive the special benefit.

112
113 (N) The City Commission hereby finds and determines that the Assessments to
114 be imposed in accordance with this Resolution provide an equitable method of funding
115 the Refuse Services including facilities and programs by fairly and reasonably allocating
116 the Refuse Services Cost among specially benefited property.

117
118 SECTION 4. RATIFICATION AND CONFIRMATION OF INITIAL
119 ASSESSMENT RESOLUTION AND PREVIOUSLY IMPOSED ASSESSMENTS.

120
121 (A) The Initial Assessment Resolution is hereby ratified and confirmed.

122
123 (B) Any and all prior actions of the City Commission associated with the
124 imposition of Refuse Services Assessments or similar fees and charges of every nature
125 whatsoever for previous Fiscal Years, including the fees, charges and non-ad valorem
126 assessments imposed and collected for Fiscal Year 2019-2020, are hereby approved,
127 ratified and confirmed in their entirety.

128
129 SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Refuse Services
130 Assessment Roll, which is on file with the City Clerk and incorporated herein by reference,
131 is hereby approved. The Refuse Services Assessment Roll shall be certified to the Tax
132 Collector by September 15, 2020, pursuant to Section 197.3632(5), Florida Statutes.

133
134 SECTION 6. REFUSE SERVICES ASSESSMENTS.

135
136 (A) The Tax Parcels described in the Refuse Services Assessment Roll are
137 hereby found to be specially benefited by the provision of Refuse Services. The
138 apportionment methodology for the Refuse Services Assessments, as set forth in Section
139 3.03 of the Initial Assessment Resolution, is hereby approved. Accordingly, a Refuse
140 Services Assessment in the amount of \$245.15 per ERU is hereby levied and imposed
141 against each Tax Parcel described in the Refuse Services Assessment Roll.

142
143 (B) The Refuse Services Assessment shall constitute a lien against Assessed
144 Property equal in rank and dignity with the liens of all state, county, district or municipal
145 taxes and other non-ad valorem assessments. Except as otherwise provided by law, such
146 lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall
147 be deemed perfected upon adoption of this Resolution and shall attach to the property

148 included on the Refuse Services Assessment Roll as of January 1, 2021, the lien date for
149 ad valorem taxes.

150
151 SECTION 7. COLLECTION OF ASSESSMENTS. The Refuse
152 Services Assessments imposed hereunder shall be collected pursuant to the provisions
153 of the Initial Assessment Resolution and Uniform Assessment Collection Act. Upon
154 adoption hereof and of the Annual Assessment Resolution for subsequent Fiscal Years,
155 the City Manager shall cause the certification and delivery of the Refuse Services
156 Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the
157 Uniform Assessment Collection Act.

158
159 SECTION 8. EFFECT OF ANNUAL ASSESSMENT RESOLUTION. The
160 adoption of this Annual Assessment Resolution shall be the final adjudication of the
161 issues presented herein and in the Initial Assessment Resolution (including, but not
162 limited to, the method by which the Assessments are computed and apportioned, the
163 Refuse Services Assessment Roll, the rate of Assessment and the imposition or
164 ratification of Assessments and any and all prior actions of the City Commission
165 associated with the imposition of Assessments or similar fees and charges of every nature
166 for previous years, including fees, charges and non-ad valorem assessments imposed
167 and collected for Fiscal Year 2019-2020), unless proper steps are initiated in a court of
168 competent jurisdiction to secure relief within twenty (20) days from the date of the City
169 Commission's adoption of this Annual Assessment Resolution.

170
171 SECTION 9. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolutions
172 or parts thereof in conflict herewith are hereby superseded and repealed to the extent of
173 such conflict.

174
175 SECTION 10. EFFECTIVE DATE. This Annual Assessment Resolution shall
176 take effect immediately upon its adoption.

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178
179 The passage of this resolution was moved by Commissioner _____,
180 seconded by Commissioner _____, and upon being put to a vote, the vote
181 was as follows:

- 182
183
184 Mayor Pam Triolo
185 Vice Mayor Andy Amoroso
186 Commissioner Scott Maxwell
187 Commissioner Omari Hardy
188 Commissioner Herman Robinson

189
190
191 The Mayor thereupon declared this resolution duly passed and adopted on the 10th
192 day of September 2020.

193
194 LAKE WORTH BEACH CITY COMMISSION

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ATTEST:

Deborah M. Andrea, CMC, City Clerk

By: _____
Pam Triolo, Mayor