CITY OF SANIBEL

RESOLUTION NO. 13-064

A RESOLUTION OF THE SANIBEL CITY COUNCIL RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE, IN THE CITY OF SANIBEL; CONSTITUTING THE CITY'S ANNUAL RATE RESOLUTION AND RE-IMPOSING THE ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF SANIBEL FOR THE FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014; APPROVING THE RATE OF ASSESSMENT; APPROVING THE SOLID WASTE ASSESSMENT ROLL; APPROVING COLLECTION OF ASSESSMENTS THROUGH THE UNIFORM METHOD OF COLLECTION (i.e. TAX BILL); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sanibel has enacted Resolution No. 10-038 and Resolution No. 10-064 which authorized the annual re-imposition of assessments to fund the City's collection and disposal of Solid Waste, Recyclables and Horticultural Waste for Residential Dwelling Units (defined as one through four residential dwelling units per parcel) against certain Assessed Property within the City of Sanibel; and

WHEREAS, the imposition of an annual recurring special Service Assessment for each Fiscal Year is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property; and

WHEREAS, the Council desires to re-impose an assessment for the collection and disposal of Solid Waste, Recyclables and Horticultural Waste within the City using the tax bill collection method (to be collected for tax year 2013) to fund such Solid Waste, Recyclables and Horticultural Waste collection services for the Fiscal Year beginning October 1, 2013; and

WHEREAS in order to re-impose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2013, Resolution No. 10-064 provides for the City to adopt an Annual Rate Resolution, which establishes the rate of assessment and approves the Solid Waste Assessment

Roll for the upcoming Fiscal Year, with such adjustments as the Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated Solid Waste Assessment Roll has heretofore been made available for inspection by the public; and

WHEREAS, notice of a public hearing scheduled for August 6, 2013 has been published and, additionally, mailed to each Owner of assessable property added to the Assessment Roll since the prior year's Roll, notifying each Owner of their opportunity to be heard regarding the assessments and all matters related thereto, and regarding the tax bill method of collection and all matters related thereto; and

WHEREAS, a public hearing was held on August 6, 2013, and comments and objections of all interested persons have been heard and considered as required;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida;

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Initial Assessment Resolution (Resolution No. 10-038), the Final Assessment Resolution (Resolution No. 10-064), Resolution No. 13-053 (the City's fiscal year 2013-2014 Initial Assessment Resolution), Chapters 166, 170 and 197, Florida Statutes, the Charter of the City of Sanibel and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Rate Resolution as defined in Resolution No. 10-064. All capitalized terms in this Resolution shall have the meanings defined in Resolution 10-038 and Resolution 10-064.

SECTION 3. RE-IMPOSITION OF THE ANNUAL SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE COLLECTION AND DISPOSAL SPECIAL SERVICE ASSESSMENTS; CONFIRMATION OF UNIFORM METHOD (i.e. TAX BILL) OF COLLECTION

(A) The Solid Waste Assessment Roll, a copy of which was present and available at the August 6, 2013 public hearing relating to the adoption of this Resolution, is hereby approved and is hereby incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of Solid Waste, Recyclables and Horticultural Waste collection and disposal services, facilities or programs in an amount not less than the Solid Waste Service Assessment for such parcel, computed in the manner set forth in Resolutions 10-038 and 10-064. There is hereby made a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among the Assessed Property that receive the special benefit as set forth in Resolutions 10-038 and 10-064.

(C) The method for computing Solid Waste Service Assessments described in Resolutions 10-038 and 10-064 is hereby confirmed and approved. Resolution 13-053, the City's fiscal year 2013-2014 Initial Assessment Resolution is hereby confirmed and approved.

(D) For Fiscal Year beginning October 1, 2013, the Solid Waste Cost of $1,064,595.58 shall be allocated among all parcels of Assessed Property within the City on a per Dwelling Unit basis, based upon each parcels' classification as Residential Property and the number of Dwelling Units (one through four Dwelling Units) for such parcels. The total Solid Waste Cost is divided on a per Dwelling Unit basis among the total Assessed Property. A rate of assessment equal to (1) $270.34 for each Dwelling Unit applying for or using curbside Solid Waste, Recyclables and Horticultural Waste collection and disposal services is hereby approved for Fiscal Year 2013-

2014 based on 3881 estimated Dwelling Units and (2) a rate of assessment equal to $358.28 for each Dwelling Unit applying for or using backdoor Solid Waste, Recyclables and Horticultural Waste collection and disposal services is hereby approved for Fiscal Year 2013-2014 based on 43 estimated Dwelling Units.

(E) Any shortfall in the expected Solid Waste Service Assessment proceeds due to any reduction or exemption from payment of the Solid Waste Service Assessments required by law or authorized by the Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Solid Waste Service Assessments.

(F) As authorized in Section 5 of Resolution 10-064, interim Solid Waste Service Assessments are also levied and imposed against all residential property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(G) Such Solid Waste Service Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(H) The uniform method of collection (i.e. real estate tax bill), as more particularly described in Resolution 10-064 , Section 8, is hereby confirmed and approved. The Solid Waste Assessment Roll, as herein approved with any adjustments deemed appropriate by City Council sitting as the Sanibel Equalization Board, shall be delivered to the Tax Collector for collection using the tax bill collection method.

SECTION 4. CONFIRMATION AND APPROVAL OF RESOLUTIONS 10-038 AND 10-064 AND MATTERS THEREIN.

City of Sanibel Resolutions 10-038 and 10-064 are hereby confirmed and approved in their entirety. Additionally, the following are hereby specifically confirmed and approved: (i) the assessment area as described by Resolutions 10-038 and 10-064; (ii) the description of the services to be provided as set forth in Resolutions 10-038 and 10-064; and (iii) the method of apportionment of the total Solid Waste Costs and the computation of the assessments for the Assessed Properties as set forth in Resolutions 10-038, 10-064 and this Resolution.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment, the Solid Waste Assessment Roll and the levy and lien of the Solid Waste Service Assessments for Solid Waste, Recyclables and Horticultural Waste collection and disposal services, unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

SECTION 6. Effective date. This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 6th day of August, 2013.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler, City Attorney

Date 7/23/13

Vote of Council Members:

Ruane _____
Congress _____
Denham _____
Harrity _____
Jennings _____

Date filed with City Clerk:_____