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**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE SOLID WASTE COLLECTION PROGRAM BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AND LEVYING THE NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION AND DISPOSAL WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; PROVIDING FOR RATES AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON TO CERTIFY THE SOLID WASTE COLLECTION NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS** Wellington, Florida’s adopted Ordinance No. 98-17, which is codified as Chapter 46 “Solid Waste” of the Wellington Council Code of Ordinances, establishing a mandatory Solid Waste Collection Program for Wellington; and

**WHEREAS**, Chapter 46 “Solid Waste” requires Wellington to implement the Solid Waste Collection Program by adopting rates for all customers, accounts, and Dwelling Units which require Residential Solid Waste Collection services as required by Wellington; and

**WHEREAS**, Wellington desires to charge those customers, accounts, and Dwelling Units requiring residential curbside and containerized service as required by Wellington's Solid Waste Collection Program pursuant to the procedures in Section 197.3632, Florida Statutes and otherwise known as the "uniform method"; and

**WHEREAS**, Wellington has completed a review of said rate schedules and annual Solid Waste Collection Non-Ad Valorem Assessment Roll; and

**WHEREAS**, Section 197.3632, Florida Statutes, requires Wellington, when adopting the Solid Waste Collection Non-Ad Valorem Assessment Roll, to specify the unit of measurement for the assessment and the amount of the assessment as defined in Chapter 46 "Solid Waste" and as defined in the Solid Waste and Recycling Collection Agreement executed between Wellington and Contractor; and

**WHEREAS**, the Wellington Council is required to consider and adopt a budget for Wellington to levy non-ad valorem assessments for the Solid Waste Collection Program upon designated lands lying within the jurisdictional boundaries of Wellington in accordance with Wellington's budget; to adopt a non-ad valorem assessment roll; and to designate an authorized representative of Wellington to certify Wellington's non-ad valorem assessment roll to the Tax Collector of Palm Beach County, Florida for the Solid Waste Collection Program; and

**WHEREAS**, Wellington desires to charge all Non-Assessed Residential Units resulting from new construction during the year or post-January 1, 2022 annexation of property into Wellington that require Solid Waste Disposal services which costs are not

assessed by Wellington or the Solid Waste Authority of Palm Beach County, Florida (Authority) pursuant to the procedures in Section 197.3632, Florida Statutes; and

**WHEREAS**, Wellington has awarded a Solid Waste and Recycling Collection Agreement ("Contract") for the performance of specified solid waste and recycling collection services; and

**WHEREAS**, Wellington has agreed to compensate the Contractor for disposal costs associated with newly constructed Residential Collection Units which are not assessed by Wellington or the Authority pursuant to the Uniform Method of Collection of Non-Ad Valorem Assessments ("Uniform Method"); and

**WHEREAS**, the Authority collects fees for all or a portion of the cost of processing and disposing of solid waste and recycling materials from all improved property in Palm Beach County using the Uniform Method; and

**WHEREAS**, the Contractor invoices and collects the cost of disposal from commercial customers resulting from new construction during the year once a certificate of occupancy (CO) has been issued by Wellington to such customer at the time the account is established between the Contractor and the commercial customer; and

**WHEREAS**, it is the policy of Wellington that the Solid Waste Management Program be fiscally self-supporting as an enterprise fund operation requiring all improved properties located within Wellington to pay for the full costs of Solid Waste services, including Contract services provided; and

**WHEREAS**, Wellington desires all Non-Assessed Residential Units to pay for the Contract services provided pursuant to the Solid Waste Management and Mandatory Solid Waste and Recycling Collection Program; and

**WHEREAS**, Wellington has completed a review of said rates.

**NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL** that:

**SECTION 1:** The foregoing recitals are hereby affirmed and ratified.

**SECTION 2:** The terms used herein have the meaning set out in Chapter 46 "Solid Waste".

**SECTION 3:** The Solid Waste Collection Program Budget attached hereto is hereby adopted as the Solid Waste Collection Program Budget for Wellington's Fiscal Year 2022/2023, except as said Budget may be otherwise modified or adjusted in accordance with the laws of the State of Florida.

**SECTION 4:** The Solid Waste Collection Non-Ad Valorem Assessments shall be levied in accordance with the herein adopted Solid Waste Collection Program Budget, except as said levy may be otherwise modified or adjusted in accordance with the laws of the State of Florida.

**SECTION 5:** The Solid Waste Collection Non-Ad Valorem Assessment Rates for Residential Assessed Units within Wellington shall be Two Hundred Twenty Dollars (\$220.00) for curbside service and One Hundred Seventy Dollars (\$170.00) for container service. The Solid Waste Collection Non-Ad Valorem Assessment Rates shall be for the Fiscal Year 2022/2023 and shall become effective October 1, 2022.

**SECTION 6:** The Solid Waste Collection Non-Ad Valorem Assessment Roll is hereby adopted, except as said Solid Waste Collection Non-Ad Valorem Assessment roll may be otherwise modified or adjusted in accordance with the laws of the State of Florida.

**SECTION 7:** The Solid Waste Collection Non-Ad Valorem Assessment Roll as adopted is to be continued to be collected from year to year until discontinued.

**SECTION 8:** Anne Gerwig, Mayor of Wellington, is hereby designated and authorized to certify Wellington's 2022/2023 Solid Waste Collection Non-Ad Valorem Assessment Roll.

**SECTION 9:** Wellington does hereby adopt fees for the purpose of providing for the collection of Solid Waste Disposal Costs from Non-Assessed Residential Units for newly constructed structures and post-January 1, 2022 annexations into Wellington and located within the Service Area which are not subject to collection pursuant to the Uniform Method as authorized by Florida Statutes by either Wellington or the Authority.

The rates to be applied to Non-Assessed Residential Units for Solid Waste Disposal Costs shall be prorated based on the Certificate of Occupancy date and disposal costs determined by the Solid Waste Authority of Palm Beach County. Wellington has an Agreement with the Authority which provided, among other things, for the collection of fees from Assessed Residential Units for the Disposal Cost of Solid Waste using the Uniform Method. Wellington shall collect fees from Non-Assessed Residential Units in accordance with disposal costs and rates established by the Authority and the provisions of the Solid Waste Management Program adopted by Wellington.

a. All fees collected from Non-Assessed Residential Units will be deposited into funds for the benefit of the Solid Waste Enterprise Fund.

b. The non-payment of the fees for Non-Assessed Residential Unit Solid Waste Disposal service shall not constitute a lien on the property of the Applicant which has not paid such fees.

No fee shall be collected from a newly constructed commercial unit since the invoicing and collection of disposal costs are the responsibility of the Contractor and commence immediately upon establishment of the account for service. Calculating a commercial unit Solid Waste Disposal Cost shall be done in accordance with the formula

contained in the Contract and shall be included in the customer's disclosure notice provided by the Contractor.

**SECTION 10:** The Schedule of Rates for Commercial Solid Waste Collection service, as set forth in the Contract, is hereby adopted as the Commercial Rates. The rates for Commercial Solid Waste Collection service shall be billed by the Contractor granted a Franchise Agreement to provide exclusive collection services to this class of service as defined in the Solid Waste and Recycling Collection Agreement. A written agreement between the Contractor and each commercial customer or account shall be required and entered into regarding the level and type of service to be provided and manner of collection of fees. The Schedule of Rates in the Contract for Commercial Solid Waste Collection service shall become effective October 1, 2022.

**SECTION 11:** The Schedule of Rates to be charged for special services at the request of the customer and for container rentals, as set forth in the Contract, is hereby adopted. The Schedule of Special Rates and Container Rental Rates shall become effective October 1, 2022.

**SECTION 12:** A copy of this Resolution shall be kept on file with Wellington's Clerk and shall be open to inspection to all interested parties.

**SECTION 13:** If any clause, section, or provision of this Resolution shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, only such portion shall be eliminated from this Resolution and the remainder of this Resolution shall continue in full force and effect and shall be construed to fulfill the intent of this Resolution so as to be a valid as if such invalid portion thereof had not been incorporated therein.

**SECTION 14:** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of August, 2022.

**ATTEST:**

**VILLAGE OF WELLINGTON**

By: \_\_\_\_\_  
Chevelle D. Addie, MMC, Village Clerk

By: \_\_\_\_\_  
Anne Gerwig, Mayor

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
Laurie S. Cohen, Village Attorney

**VILLAGE OF WELLINGTON  
SOLID WASTE COLLECTION & RECYCLING PROGRAM BUDGET**

**FY 2022/2023**

	<b>FY 2023 Budget</b>
<b>SYSTEM REVENUES</b>	
Solid Waste Collection Assessments	\$ 5,052,090
Permits & Fees	-
Franchise Fees	210,000
Intergovernmental Revenue	-
Interest Income	21,000
Miscellaneous Revenues	-
Use of Reserves	1,286,207
<b>TOTAL REVENUES</b>	<b>\$ 6,569,297</b>
<b>EXPENDITURES</b>	
<b>Residential Collection</b>	
Personal Services	\$ 237,237
Operating Expenses	5,587,760
<b>Roadside Refuse Patrol</b>	
Personal Services	156,828
Operating Expenses	10,400
<b>Non Departmental</b>	6,863
<b>Total Operating Expenditures</b>	<b>\$ 5,999,088</b>
<b>Capital Outlay</b>	<b>44,000</b>
<b>TRANSFERS</b>	
Indirect Cost Allocation	526,209
<b>Increase to Reserves</b>	-
<b>TOTAL EXPENDITURES</b>	<b>\$ 6,569,297</b>

*Note: Depreciation is not included*

**SCHEDULE OF ANNUAL ASSESSMENT RESIDENTIAL UNIT SOLID WASTE  
COLLECTION SERVICE AND SCHEDULE OF ANNUAL ASSESSMENT RESIDENTIAL  
UNIT SOLID WASTE DISPOSAL SERVICE RATES**

1. Non Ad Valorem Assessment Residential Solid Waste Collection Service Rate per Dwelling Unit to be applied to Residential Assessed Units as set forth in this Resolution.

	Rate for Services		
	Annual (*)	Monthly (*)	Daily (*)
Residential Curbside Service	\$ 220.00	\$ 18.33	\$ 0.6027
Residential Containerized Service	\$ 170.00	\$ 14.17	\$ 0.4658

- (\*) Amounts shown do not include Solid Waste Disposal Costs which are collected separately by the Solid Waste Authority of Palm Beach County. To the extent that Wellington is required to collect Solid Waste Disposal Costs for the Solid Waste Authority of Palm Beach County, said cost(s) shall be in addition to the Rates for Services as set forth above.

2. Non-Assessed Residential Unit Solid Waste Disposal Service Rate per Dwelling Unit to be applied to Non-Assessed Residential Units.

**Solid Waste Authority Disposal - Proposed (Adoption August, 2022)**

<b>Residential Service (per dwelling unit)</b>	Rate for Services		
	Disposal (*)	Monthly (*)	Daily (*)
Single Family	\$ 184.00	\$ 15.22	\$ 0.5041
Multi-Family	\$ 100.00	\$ 8.33	\$ 0.2740

- (\*) Amount shown is the cost of solid waste disposal for all residential curbside and containerized services countywide as established annually by the Authority. Wellington is obligated to collect the cost of solid waste disposal to compensate the Contractor for disposal costs not collected pursuant to the Uniform Method. Amounts shown are to be collected in addition to Solid Waste Collection Rates.