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**RESOLUTION NO. R2018-37**

**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, 2018 annexation of property into Wellington that require Solid Waste Disposal services which costs are not

1 assessed by Wellington or the Solid Waste Authority of Palm Beach County, Florida  
2 (Authority) pursuant to the procedures in Section 197.3632, Florida Statutes; and  
3

4 **WHEREAS**, Wellington has awarded a Solid Waste and Recycling Collection  
5 Agreement ("Contract") for the performance of specified solid waste and recycling  
6 collection services; and  
7

8 **WHEREAS**, Wellington has agreed to compensate the Contractor for disposal  
9 costs associated with newly constructed Residential Collection Units which are not  
10 assessed by Wellington or the Authority pursuant to the Uniform Method of Collection of  
11 Non-Ad Valorem Assessments ("Uniform Method"); and  
12

13 **WHEREAS**, the Authority collects fees for all or a portion of the cost of processing  
14 and disposing of solid waste and recycling materials from all improved property in Palm  
15 Beach County using the Uniform Method; and  
16

17 **WHEREAS**, the Contractor invoices and collects the cost of disposal from  
18 commercial customers resulting from new construction during the year once a certificate  
19 of occupancy (CO) has been issued by Wellington to such customer at the time the  
20 account is established between the Contractor and the commercial customer; and  
21

22 **WHEREAS**, it is the policy of Wellington that the Solid Waste Management  
23 Program be fiscally self-supporting as an enterprise fund operation requiring all improved  
24 properties located within Wellington to pay for the full costs of Solid Waste services,  
25 including Contract services provided; and  
26

27 **WHEREAS**, Wellington desires all Non-Assessed Residential Units to pay for the  
28 Contract services provided pursuant to the Solid Waste Management and Mandatory  
29 Solid Waste and Recycling Collection Program; and  
30

31 **WHEREAS**, Wellington has completed a review of said rates.  
32

33 **NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S**  
34 **COUNCIL** that:  
35

36 **SECTION 1:** The foregoing recitals are hereby affirmed and ratified.  
37

38 **SECTION 2:** The terms used herein have the meaning set out in Chapter 46 "Solid  
39 Waste".  
40

41 **SECTION 3:** The Solid Waste Collection Program Budget attached hereto is hereby  
42 adopted as the Solid Waste Collection Program Budget for Wellington's Fiscal Year  
43 2018/2019, except as said Budget may be otherwise modified or adjusted in accordance  
44 with the laws of the State of Florida.  
45  
46  
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48

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

5  
6 **SECTION 5:** The Solid Waste Collection Non-Ad Valorem Assessment Rates for  
7 Residential Assessed Units within Wellington shall be One Hundred Thirty-Five Dollars  
8 (\$135.00) for curbside service and One Hundred Dollars (\$100.00) for container service.  
9 The Solid Waste Collection Non-Ad Valorem Assessment Rates shall be for the Fiscal  
10 Year 2018/2019 and shall become effective October 1, 2018.

11  
12 **SECTION 6:** The Solid Waste Collection Non-Ad Valorem Assessment Roll is hereby  
13 adopted, except as said Solid Waste Collection Non-Ad Valorem Assessment roll may be  
14 otherwise modified or adjusted in accordance with the laws of the State of Florida.

15  
16 **SECTION 7:** The Solid Waste Collection Non-Ad Valorem Assessment Roll as adopted  
17 is to be continued to be collected from year to year until discontinued.

18  
19 **SECTION 8:** Anne Gerwig, Mayor of Wellington, is hereby designated and authorized to  
20 certify Wellington's 2018/2019 Solid Waste Collection Non-Ad Valorem Assessment Roll.

21  
22 **SECTION 9:** Wellington is hereby adopting fees for the purpose of providing for: 1) the  
23 collection of Residential Solid Waste from residential curbside and containerized  
24 customers, accounts, and Dwelling Units for newly constructed residential structures  
25 located within the Service Area which are not subject to the Uniform Method as allowed  
26 by Florida Statutes (defined as the "Non-Assessed Residential Units"); and 2) to provide  
27 a fee for the servicing of commercial accounts located within the Service Area.

28  
29 The Schedule of Rates to be applied to Non-Assessed Residential Units for  
30 Residential Solid Waste Collection Service, as described in this section and as set forth  
31 in the attached Exhibit B, is hereby adopted. The monthly rates for service to Non-  
32 Assessed Residential Units shall be identical to the monthly residential curbside and  
33 containerized rates which are applied to Residential Assessed Units.

34  
35 The amount of the fees charged and collected from a Non-Assessed Residential  
36 Unit, as set forth in Exhibit B, shall be computed as provided in this section. Since the  
37 addition of newly constructed residential structures can occur uniformly throughout the  
38 period of time between when a property is recognized on the Property Appraiser's Tax  
39 Roll and the rates for service are subsequently collected using the Uniform Method for  
40 Residential Solid Waste Collection services, it is necessary to prorate and collect said  
41 fees for that period of time which Residential Solid Waste Collection services are  
42 provided to the Non-Assessed Residential Unit. The amount of the fees charged and  
43 collected from a Non-Assessed Residential Unit shall be computed by Wellington based  
44 on the formula contained in this section. Wellington shall collect said fees for Non-  
45 Assessed Residential Units as provided for in this Resolution.

Wellington shall compute the amount of fees based on the following formula:

Non-Assessed Residential Unit Billing Formula:

$$(MR \times MF) + (DR \times RD) = \text{Total Fees Due}$$

MR = The rate for Residential Solid Waste Collection services as shown on Exhibit B expressed on monthly basis (Annual Rate divided by 12 months).

MF = Factors from Monthly Factor Table as determined by Wellington.

DR = The rate for Residential Solid Waste Collection services for Non-Assessed Residential Units as shown on Exhibit B expressed on a daily basis (Annual Rate divided by 365 days).

RD = Remaining days in month in which a Certificate of Occupancy or Certificate of Completion or Release of Electrical Power (collectively referred to as the CO) for a newly constructed residential Dwelling Unit, including the day of issue.

The determination of the fees to be collected from Non-Assessed Residential Units associated with new construction, as outlined in this section, will not be applicable to commercial service. The Schedule of Rates shown on Exhibit B for Non-Assessed Residential Units shall be for the 2018/2019 Fiscal Year and shall become effective October 1, 2018.

Wellington shall collect fees charged to the Non-Assessed Residential Units as follows:

- a. At the time application is made for a newly constructed residential building, Wellington, pursuant to the terms of this Resolution, shall collect from each CO Applicant the Non-Assessed Residential Unit fees calculated in accordance with the methodology used by Wellington as set forth in this Resolution. No CO shall be subsequently issued without proof indicating the full payment of the Non-Assessed Residential Unit fees required to provide Residential Solid Waste Collection services.
- b. Any residential properties with existing improvements thereon which were annexed into Wellington after January 1, 2018, shall be billed for full payment of the Residential Solid Waste Collection services calculated in accordance with the methodology as set for in this Resolution.
- c. All fees collected from Non-Assessed Residential Units will be deposited into funds for the benefit of the Solid Waste Enterprise Fund.
- d. The non-payment of the Non-Assessed Residential Unit fees for Residential Solid Waste Collection service shall not constitute a lien on the property of the Applicant which has not paid such fees.

1 **SECTION 10:** The Schedule of Rates for Commercial Solid Waste Collection service,  
2 as set forth in the attached Exhibit B, is hereby adopted as the Commercial Rates. The  
3 rates for Commercial Solid Waste Collection service shall be billed by the Contractor  
4 granted a Franchise Agreement to provide exclusive collection services to this class of  
5 service as defined in the Solid Waste and Recycling Collection Agreement. A written  
6 agreement between the Contractor and each commercial customer or account shall be  
7 required and entered into regarding the level and type of service to be provided and  
8 manner of collection of fees. The Schedule of Rates shown on Exhibit B for Commercial  
9 Solid Waste Collection service shall become effective October 1, 2018.

10  
11 **SECTION 11:** The Schedule of Rates to be charged for special services at the request  
12 of the customer and for container rentals, all as shown in the attached Exhibit B, is  
13 hereby adopted. The attached Schedule of Special Rates and Container Rental Rates  
14 shall become effective October 1, 2018.

15  
16 **SECTION 12:** Wellington does hereby adopt fees for the purpose of providing for the  
17 collection of Solid Waste Disposal Costs from Non-Assessed Residential Units for newly  
18 constructed structures and post-January 1, 2018 annexations into Wellington and located  
19 within the Service Area which are not subject to collection pursuant to the Uniform  
20 Method as authorized by Florida Statutes by either Wellington or the Authority.

21  
22 The Schedule of Rates to be applied to Non-Assessed Residential Units for Solid  
23 Waste Disposal Costs, as described in this Resolution and as set forth in Exhibit B,  
24 attached hereto and made a part hereof, is hereby adopted. The rates for Solid Waste  
25 Disposal Costs for Non-Assessed Residential Units shall be based upon the average  
26 solid waste generation rates for that category of waste established in Exhibit 1 of the  
27 Contract and the tipping fee for the disposal of such waste as provided by the Authority  
28 for Residential Curbside and Containerized Service, which are also applied to residential  
29 Assessed Units by the Authority.

30  
31 The amount of the fees charged and collected from a Non-Assessed Residential  
32 Unit, as set forth in Exhibit B, shall be computed as provided in this Resolution. Since the  
33 addition of newly constructed structures can occur uniformly throughout the period of time  
34 between when a property is included on the Property Appraiser's Assessment Roll and  
35 the rates for disposal set by the Authority are subsequently collected using the Uniform  
36 Method from the Non-Assessed Residential Units, it is necessary to prorate said fees for  
37 that period of time which Solid Waste Disposal service is provided to the Non-Assessed  
38 Residential Units. The amount of the fees charged and collected from Non-Assessed  
39 Residential Units shall be computed by Wellington based on the formula contained in this  
40 Section. Wellington has an Agreement with the Authority which provided, among other  
41 things, for the collection of fees from Assessed Residential Units for the Disposal Cost of  
42 Solid Waste using the Uniform Method. Wellington shall collect fees from Non-Assessed  
43 Residential Units, as provided for in this Resolution, in accordance with disposal costs  
44 and rates established by the Authority and the provisions of the Solid Waste  
45 Management Program adopted by Wellington.

46  
47 Wellington shall compute the amount of fees for Solid Waste Disposal Costs for  
48 each Non-Assessed Residential Unit based on the following formula:

1  
2 Non-Assessed Residential Unit Billing Formula:

3 
$$(MR + MF) + (DR \times RD) = \text{Total Fees Due}$$
  
4

5 MR = The rate for Residential Solid Waste Disposal Costs as shown on Exhibit B  
6 expressed on a monthly basis (Annual Rate divided by 12 months).

7  
8 MF = Factors from Monthly Factor Table as determined by Wellington.  
9

10 DR = The rate for Residential Solid Waste Disposal Costs for Non-Assessed  
11 Residential Units as shown on Exhibit B expressed on a daily basis (Annual  
12 Rate divided by 365 days).  
13

14 RD = Either the remaining days in the month in which a Certificate of Occupancy  
15 or Certificate of Completion or Release of Electrical Power (collectively  
16 referred to as the CO) for a newly constructed residential dwelling unit  
17 including the day of issue, or remaining days in the month since the date of  
18 annexation into Wellington, whichever is applicable.  
19

20 The Schedule of Rates shown on Exhibit C for the collection of Solid Waste  
21 Disposal Costs from Non-Assessed Residential Units shall be for the 2018/2019  
22 Fiscal Year and shall become effective October 1, 2018.

23  
24 Wellington shall collect fees charged to the Non-Assessed Residential Units as  
25 follows:  
26

27 a. At the time application is made for a newly constructed residential unit or  
28 structure, Wellington shall collect from each CO Applicant the Non-Assessed Residential  
29 Unit fees for Solid Waste Disposal calculated in accordance with the methodology as set  
30 forth in this Resolution. No CO shall be issued without proof indicating the full payment  
31 of the Non-Assessed Residential Unit fees required to provide Residential Solid Waste  
32 Disposal services.  
33

34 b. Any residential properties with existing improvements thereon which were  
35 annexed into Wellington after January 1, 2018 shall be billed for full payment of the Non-  
36 Assessed Residential Unit fees for Solid Waste Disposal calculated in accordance with  
37 the methodology as set for in this Resolution.  
38

39 c. All fees collected from Non-Assessed Residential Units will be deposited  
40 into funds for the benefit of the Solid Waste Enterprise Fund.  
41

42 d. The non-payment of the fees for Non-Assessed Residential Unit Solid  
43 Waste Disposal service shall not constitute a lien on the property of the Applicant which  
44 has not paid such fees.  
45

46 No fee shall be collected from a newly constructed commercial unit since the  
47 invoicing and collection of disposal costs are the responsibility of the Contractor and

1 commence immediately upon establishment of the account for service. Calculating a  
2 commercial unit Solid Waste Disposal Cost shall be done in accordance with the formula  
3 contained in Exhibit 1 of the Contract and shall be included in the customer's disclosure  
4 notice provided by the Contractor.  
5

6 **SECTION 13:** A copy of this Resolution shall be kept on file with Wellington's Clerk and  
7 shall be open to inspection to all interested parties.  
8

9 **SECTION 14:** If any clause, section, or provision of this Resolution shall be declared by  
10 a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason,  
11 only such portion shall be eliminated from this Resolution and the remainder of this  
12 Resolution shall continue in full force and effect and shall be construed to fulfill the intent  
13 of this Resolution so as to be a valid as if such invalid portion thereof had not been  
14 incorporated therein.  
15

16 **SECTION 15:** This Resolution shall take effect immediately upon its adoption.  
17

18 **PASSED AND ADOPTED** this 14<sup>th</sup> day of August, 2018.  
19

20 **ATTEST:**

**VILLAGE OF WELLINGTON**

21  
22  
23 By: \_\_\_\_\_  
24 Chevelle D. Nubin, Village Clerk  
25  
26  
27

By: \_\_\_\_\_  
Anne Gerwig, Mayor  
28

29 **APPROVED AS TO FORM**  
30 **AND LEGAL SUFFICIENCY**  
31  
32

33 By: \_\_\_\_\_  
34 Laurie S. Cohen, Village Attorney  
35

**Exhibit A**  
**Village of Wellington**  
**Solid Waste Collection & Recycling Program Budget**  
**FY 2018/2019**

	<b>FY 2019 Budget</b>
<b>SYSTEM REVENUES</b>	
Solid Waste Collection Assessments	\$ 2,917,963
Roll Off Fees (Permit & Service)	\$ 20,000
Franchise Fee Receipts	\$ 371,965
Intergovernmental Revenue	\$ 25,000
Interest Income	\$ 25,000
Miscellaneous Revenues	\$ 9,500
Use of Reserves	\$ 770,153
<b>TOTAL REVENUES</b>	<b>\$ 4,139,581</b>
<b>EXPENDITURES</b>	
<b>Residential Collection</b>	
Personal Services	\$ 186,372
Outside Services	\$ -
Solid Waste Collection	\$ 3,358,100
Other Operating Expenses	\$ 90,515
<b>Roadside Refuse Patrol</b>	
Personal Services	\$ 146,116
Operating Expenses	\$ 7,850
<b>Non Departmental</b>	\$ 17,135
<b>Total Operating Expenditures</b>	<b>\$ 3,806,088</b>
<b>Capital Outlay</b>	<b>-</b>
<b>TRANSFERS</b>	
Indirect Cost Allocation	\$ 333,493
Repayment to General Fund	-
<b>Increase to Reserves</b>	<b>-</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 4,139,581</b>

*Note: Depreciation is not included*