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RESOLUTION NO. R2020-33

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, 2020 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 2020/2021, except as said Budget may be otherwise modified or adjusted in accordance
44 with the laws of the State of Florida.
45
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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 2020/2021 and shall become effective October 1, 2020.

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 2020/2021 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 2020/2021 Fiscal Year and shall become effective October 1, 2020.

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, 2020, 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, 2020.

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, 2020.

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, 2020 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 2020/2021
22 Fiscal Year and shall become effective October 1, 2020.

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, 2020 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 11th day of August, 2020.
19

20 **ATTEST:**

VILLAGE OF WELLINGTON

21
22
23 By: _____
24 Chevelle D. Addie, MMC, Village Clerk
25

By: _____
Anne Gerwig, Mayor
26
27
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 2020/2021

	FY 2021 Budget
SYSTEM REVENUES	
Solid Waste Collection Assessments	\$ 3,050,000
Permits & Fees	11,000
Franchise Fees	395,504
Intergovernmental Revenue	-
Interest Income	19,000
Miscellaneous Revenues	-
Use of Reserves	1,161,257
<i>TOTAL REVENUES</i>	\$ 4,636,761
EXPENDITURES	
Residential Collection	
Personal Services	\$ 212,248
Operating Expenses	3,909,693
Roadside Refuse Patrol	
Personal Services	154,004
Operating Expenses	6,250
Non Departmental	7,016
<i>Total Operating Expenditures</i>	\$ 4,289,211
<i>Capital Outlay</i>	-
TRANSFERS	
Indirect Cost Allocation	347,550
<i>Increase to Reserves</i>	
<i>TOTAL EXPENDITURES</i>	\$ 4,636,761