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RESOLUTION NO. R2021-41

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, 2021 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 costs
9 associated with newly constructed Residential Collection Units which are not assessed by
10 Wellington or the Authority pursuant to the Uniform Method of Collection of Non-Ad
11 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 account
20 is established between the Contractor and the commercial customer; and
21

22 **WHEREAS**, it is the policy of Wellington that the Solid Waste Management Program
23 be fiscally self-supporting as an enterprise fund operation requiring all improved properties
24 located within Wellington to pay for the full costs of Solid Waste services, including Contract
25 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 Solid
29 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 Waste".
39

40 **SECTION 3:** The Solid Waste Collection Program Budget attached hereto is hereby
41 adopted as the Solid Waste Collection Program Budget for Wellington's Fiscal Year
42 2021/2022, except as said Budget may be otherwise modified or adjusted in accordance
43 with the laws of the State of Florida.
44
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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, except
3 as said levy may be otherwise modified or adjusted in accordance with the laws of the
4 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 Seventy-One Dollars
8 (\$171.00) for curbside service and One Hundred Twenty-One Dollars (\$121.00) for
9 container service. The Solid Waste Collection Non-Ad Valorem Assessment Rates shall
10 be for the Fiscal Year 2021/2022 and shall become effective October 1, 2021.

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 is
17 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 2021/2022 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 by
26 Florida Statutes (defined as the "Non-Assessed Residential Units"); and 2) to provide a fee
27 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 in
31 the attached Exhibit B, is hereby adopted. The monthly rates for service to Non-Assessed
32 Residential Units shall be identical to the monthly residential curbside and containerized
33 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 Roll
39 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 fees
41 for that period of time which Residential Solid Waste Collection services are provided to
42 the Non-Assessed Residential Unit. The amount of the fees charged and collected from a
43 Non-Assessed Residential Unit shall be computed by Wellington based on the formula
44 contained in this section. Wellington shall collect said fees for Non-Assessed Residential
45 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 2021/2022 Fiscal Year and shall become effective October 1, 2021.

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, 2021, 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, as
2 set forth in the attached Exhibit B, is hereby adopted as the Commercial Rates. The rates
3 for Commercial Solid Waste Collection service shall be billed by the Contractor granted a
4 Franchise Agreement to provide exclusive collection services to this class of service as
5 defined in the Solid Waste and Recycling Collection Agreement. A written agreement
6 between the Contractor and each commercial customer or account shall be required and
7 entered into regarding the level and type of service to be provided and manner of collection
8 of fees. The Schedule of Rates shown on Exhibit B for Commercial Solid Waste Collection
9 service shall become effective October 1, 2021.

10
11 **SECTION 11:** The Schedule of Rates to be charged for special services at the request of
12 the customer and for container rentals, all as shown in the attached Exhibit B, is hereby
13 adopted. The attached Schedule of Special Rates and Container Rental Rates shall
14 become effective October 1, 2021.

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, 2021 annexations into Wellington and located
19 within the Service Area which are not subject to collection pursuant to the Uniform Method
20 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 solid
26 waste generation rates for that category of waste established in Exhibit 1 of the Contract
27 and the tipping fee for the disposal of such waste as provided by the Authority for
28 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 the
35 rates for disposal set by the Authority are subsequently collected using the Uniform Method
36 from the Non-Assessed Residential Units, it is necessary to prorate said fees for that period
37 of time which Solid Waste Disposal service is provided to the Non-Assessed Residential
38 Units. The amount of the fees charged and collected from Non-Assessed Residential Units
39 shall be computed by Wellington based on the formula contained in this Section.
40 Wellington has an Agreement with the Authority which provided, among other things, for
41 the collection of fees from Assessed Residential Units for the Disposal Cost of Solid Waste
42 using the Uniform Method. Wellington shall collect fees from Non-Assessed Residential
43 Units, as provided for in this Resolution, in accordance with disposal costs and rates
44 established by the Authority and the provisions of the Solid Waste Management Program
45 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 2021/2022
22 Fiscal Year and shall become effective October 1, 2021.

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 of
31 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, 2021 shall be billed for full payment of the Non-
36 Assessed Residential Unit fees for Solid Waste Disposal calculated in accordance with the
37 methodology as set for in this Resolution.
38

39 c. All fees collected from Non-Assessed Residential Units will be deposited into
40 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 Waste
43 Disposal service shall not constitute a lien on the property of the Applicant which has not
44 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 a
10 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 10th day of August, 2021.
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 2021/2022

	FY 2022 Budget
SYSTEM REVENUES	
Solid Waste Collection Assessments	\$ 3,861,684
Permits & Fees	-
Franchise Fees	298,564
Intergovernmental Revenue	-
Interest Income	32,000
Miscellaneous Revenues	-
Use of Reserves	1,787,062
TOTAL REVENUES	\$ 5,979,310
EXPENDITURES	
Residential Collection	
Personal Services	\$ 223,778
Operating Expenses	5,175,138
Roadside Refuse Patrol	
Personal Services	149,585
Operating Expenses	10,400
Non Departmental	4,384
Total Operating Expenditures	\$ 5,563,285
Capital Outlay	-
TRANSFERS	
Indirect Cost Allocation	416,025
Increase to Reserves	-
TOTAL EXPENDITURES	\$ 5,979,310

Note: Depreciation is not included