

Meeting Date: 7/12/2011



Agenda Item # 7-A

# CITY COUNCIL AGENDA ITEM

Contact Name: Christine Davis  
Department/Contact # 386-775-5432

Department Director: *[Signature]*  
City Manager: Jamie Croteau *[Signature]*

- Type of Item:
- Public Hearing
  - Ordinance First Reading
  - Ordinance Second Reading
  - Resolution
  - Discussion & Action
  - Council Approval

**Subject: Resolution 646-11 Preliminary Rate Resolution for the Solid Waste Service Assessment**

**BACKGROUND:** The City Council adopted Ordinance No. 211, which provided for the collection of the solid waste assessment fee through the non-ad valorem portion of the tax bill. Each year the City must certify the non-ad valorem solid waste assessment roll to Volusia County.

This fiscal year 11/12 (tax year 2011) the preliminary tax roll is \$458,400. This is based upon the residential solid waste service assessment fee of \$15.85 per month. The Preliminary resolution establishes the "maximum" rate.

The City will certify the final assessment roll at the Council meeting on August 23, 2011.

**RECOMMENDATIONS:** Staff recommends Council approve Resolution No. 646-11 adopting the Preliminary Rate Resolution for the fiscal year 11/12 (tax year 2011) Solid Waste Service Assessment.

**ATTACHMENTS:** Resolution 646-11

**FINANCIAL IMPACT:** The Preliminary Rate Resolution establishes the maximum Solid Waste Service Assessment fee that would generate up to \$458,400 for the Solid Waste Fund.

Reviewed by City Attorney \_\_\_\_\_  
 Reviewed by Finance Dept. \_\_\_\_\_  
 Reviewed by: \_\_\_\_\_

<b>1<sup>st</sup> Discussion Date:</b> date.	<b>2<sup>nd</sup> Discussion Date:</b> date.	<b>Third Discussion Date:</b> date.	<b>Other Dates:</b> date.
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**CITY OF ORANGE CITY, FLORIDA**

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**PRELIMINARY RATE RESOLUTION  
SOLID WASTE**

**RESOLUTION NO. 646-11**

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**ADOPTED JULY 12, 2011**

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**RESOLUTION NO. 646-11**

**A RESOLUTION OF THE CITY OF ORANGE CITY, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE INCORPORATED AREA OF ORANGE CITY, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE INCORPORATED AREA OF ORANGE CITY, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Orange City, Florida (the "Council"), has enacted Ordinance No. 211 (the "Ordinance"), which authorizes the annual reimposition of annual Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs against certain Assessed Property within the incorporated area of Orange City, Florida (the "City");

**WHEREAS**, the imposition of a Solid Waste Service Assessment for Solid Waste collection and disposal services, facilities or programs for each Fiscal Year is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property;

**WHEREAS**, pursuant to the City's agreement with Emerald Waste Services, LLC., the City is reimposing an annual Solid Waste and Recovered Materials collection and disposal assessment program within the incorporated area of the City, using the tax bill collection method for the Fiscal Year commencing October 1, 2011;

**WHEREAS**, pursuant to the Ordinance, the reimposition of Solid Waste Service Assessments for the Fiscal Year commencing October 1, 2011 requires certain processes such as the preparation of the Assessment Roll;

**WHEREAS**, annually a Preliminary Rate Resolution describing the method of assessing Solid Waste Costs against Assessed Property located within the incorporated area of the City, directing the preparation of an updated assessment roll, authorizing a public hearing and directing the provision of notice thereof is required by the Ordinance for the reimposition of the Solid Waste Service Assessments; and

**WHEREAS**, the Council deems it to be in the best interest of the citizens and residents of the City to adopt this Preliminary Rate Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1. AUTHORITY.** This resolution is adopted pursuant to the provisions of Ordinance No. 211 (the "Ordinance"), the Initial Assessment Resolution (Resolution No. 421-07), the Final Assessment Resolution (Resolution No. 425-07), Article VIII, Florida Constitution, sections 166.021 and 166.041, Florida Statutes, the Charter of the City of Orange City, and other applicable provisions of law.

**SECTION 2. PURPOSE AND DEFINITIONS.** This resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Solid Waste Service Assessments for the Fiscal Year commencing October 1, 2011. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution. Unless the context

indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

**SECTION 3. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.** The legislative determinations of special benefit and fair apportionment embodied in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution, are affirmed and incorporated herein by reference.

**SECTION 4. PROVISION AND FUNDING OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES.**

(A) Upon the reimposition of Solid Waste Service Assessments for Solid Waste and Recovered Materials collection and disposal against Assessed Property located within the City, the City shall cause Solid Waste and Recovered Materials collection and disposal services to be provided to such Assessed Property. Solid Waste Costs shall be paid from proceeds of the Solid Waste Service Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the City's provision of Solid Waste and Recovered Materials collection and disposal services, facilities and programs in an amount not less than the Solid Waste Service Assessment upon such parcel computed in the manner set forth in this Preliminary Rate Resolution.

**SECTION 5. DETERMINATION OF SOLID WASTE COST; ESTABLISHMENT OF ANNUAL SOLID WASTE SERVICE ASSESSMENTS.**

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year commencing October 1, 2011, is \$458,400.00. The approval of this Preliminary Rate Resolution determines the amount of the Solid Waste Cost. The

remainder of such Fiscal Year budget, if any, for Solid Waste and Recovered Materials services and facilities shall be funded from available City revenue other than Solid Waste Service Assessments.

(B) For the Fiscal Year in which Solid Waste Service Assessments for Solid Waste and Recovered Materials collection and disposal services, facilities and programs are imposed, the Solid Waste Cost shall be allocated among all parcels of Assessed Property within the City, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. A rate of assessment equal to \$191.00 for each Dwelling Unit for Solid Waste collection and disposal services is hereby approved for the Fiscal Year commencing October 1, 2011.

(C) The rate of the Solid Waste Service Assessments established in this Preliminary Rate Resolution shall be the rates applied by the City Manager in the preparation of the updated Assessment Roll for the Fiscal Year commencing October 1, 2011, as provided in Section 6 of this Preliminary Rate Resolution.

#### **SECTION 6. SOLID WASTE ASSESSMENT ROLL.**

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Solid Waste Assessment Roll for the Fiscal Year beginning October 1, 2011, in the manner provided in the Ordinance. Such updated Solid Waste Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the incorporated area of the City conforming to the description contained on the Tax Roll, (2) the name and address of the owner of record of each parcel as shown on the Tax Roll, and (3) the amount of the Solid Waste Service Assessment for Solid Waste collection and disposal services. The updated Solid Waste Assessment Roll shall be open to public

inspection. The foregoing shall not be construed to require that the updated Solid Waste Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer terminal available to the public. Such Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel.

(B) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste and Recovered Materials collection and disposal services (1) is a fair and reasonable method of apportioning the Solid Waste Cost among parcels of Assessed Property and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Solid Waste and Recovered Materials collection and disposal services, facilities, and programs which are allocable to specific parcels of Assessed Property.

**SECTION 7. AUTHORIZATION OF PUBLIC HEARING.** There is hereby established a public hearing to be held at 7:00 p.m. on August 23, 2011, in the City Council Chambers, 201 North Holly Avenue, Orange City, Florida, for the purpose of (A) receiving and considering any comments on the Solid Waste Service Assessments from affected property owners and (B) authorizing the reimposition of such Solid Waste Service Assessments for Solid Waste and Recovered Materials collection and disposal and collection for the Fiscal Year commencing October 1, 2011 and collecting such assessment on the same bill as ad valorem taxes.

**SECTION 8. NOTICE BY PUBLICATION.** The City Manager shall publish a notice, as required by Section 3.04 of the Ordinance, in substantially the form attached hereto as

Appendix A. Such notice shall be published not later than August 2, 2011 in a newspaper generally circulated in the City.

**SECTION 9. NOTICE BY MAIL.** If required by Section 3.08(C) of the Ordinance, the City Manager shall provide notice by first class mail to the Owner of each parcel of Assessed Property in the manner provided in Section 3.05 of the Ordinance and in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than August 2, 2011.

**SECTION 10. METHOD OF COLLECTION.** It is hereby declared that the Solid Waste Service Assessment shall be collected and enforced pursuant to the Uniform Assessment Collection Act as provided in Section 6.01 of the Ordinance for the Fiscal Year commencing October 1, 2011.

**SECTION 11. APPLICATION OF ASSESSMENT PROCEEDS.** The revenue derived from the City's Solid Waste Service Assessment will be utilized for the provision of Solid Waste and Recovered Materials collection and disposal services, facilities, and programs, as reflected by the Solid Waste Cost. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund Solid Waste and Recovered Materials collection and disposal services, facilities, and programs.

**SECTION 12. EFFECTIVE DATE.** This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

**CITY OF ORANGE CITY, FLORIDA**

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Harley Strickland, Mayor

**ROLL CALL VOTE AS FOLLOWS:**

Gary A. Blair \_\_\_\_\_

Jeff H. Allebach \_\_\_\_\_

Bill Crippen, Vice Mayer \_\_\_\_\_

Tom Abraham \_\_\_\_\_

Anthony Pupello \_\_\_\_\_

Tom Laputka \_\_\_\_\_

Harley Strickland, Mayor \_\_\_\_\_

**ADOPTED THIS 12TH DAY OF JULY, 2011.**

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
W. E. Reischmann, Jr., City Attorney

**APPENDIX A**

**FORM OF NOTICE TO BE PUBLISHED**

To Be Published by August 2, 2011

**NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR  
COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS**

Notice is hereby given that the City Council of Orange City, Florida will conduct a public hearing to consider reimposing solid waste service assessments against certain improved residential properties located within the incorporated area of the City to fund the cost of solid waste and recovered materials collection and disposal services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The hearing will be held at 7:00 p.m. on August 23, 2011, in the City Council Chambers, 201 North Holly Avenue, Orange City, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Manager's office at (386) 775-5408, at least seven days prior to the date of the hearing.

The assessments will be computed by multiplying the number of dwelling units on each parcel of residential property by the rate of assessment. The rate of assessment for the upcoming fiscal year shall be \$191.00 per dwelling unit. Copies of the Master Service Assessment Ordinance, the Initial Assessment Resolution for Solid Waste Services, the Final Assessment Resolution for Solid Waste Services, the Preliminary Rate Resolution (Resolution No. 612-10), and the updated assessment roll, showing the amount of the

assessment to be imposed against each parcel of property are available for inspection at the office of the City Manager at City Hall, 205 East Graves Avenue, Orange City, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2011, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Manager at (386) 775-5408, Monday through Friday between 8:30 a.m. and 5:00 p.m.

[INSERT MAP OF ORANGE CITY]

**CITY COUNCIL  
ORANGE CITY, FLORIDA**

**APPENDIX B**

**FORM OF NOTICE TO BE MAILED**

**APPENDIX B**

**FORM OF NOTICE TO BE MAILED**

**\* \* \* \* \* NOTICE TO PROPERTY OWNER \* \* \* \* \***

**Orange City  
205 East Graves Avenue  
Orange City, Florida 32763**

ORANGE CITY, FLORIDA NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE NON-AD VALOREM ASSESSMENTS NOTICE DATE: AUGUST 2, 2011
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**Owner Name  
Address  
City, State Zip**

*Tax Parcel #* \_\_\_\_\_  
*Legal Description:* \_\_\_\_\_

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As required by Section 197.3632, Florida Statutes, notice is given by the City of Orange City, Florida, that an annual assessment for solid waste and recovered materials services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2011 - September 30, 2012. The purpose of this assessment is to fund solid waste and recovered materials services benefiting certain improved residential property located within the incorporated area of the City. The total annual solid waste assessment revenue to be collected within the City, is estimated to be \$458,400.00 for the Fiscal Year 2011-12. The annual solid waste service assessment is based on the number of residential dwelling units contained on each parcel of property.

The total number of residential dwelling units on the above parcel is \_\_\_\_\_.

The solid waste service assessment for the above parcel is \$\_\_\_\_\_ for Fiscal Year 2011-12 and future fiscal years.

A public hearing will be held at 7:00 p.m. on August 23, 2011, in the City Council Chambers, 201 North Holly Avenue, Orange City, Florida, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an

interpreter to participate in this proceeding should contact the City Manager at (386) 775-5408, at least seven days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Master Service Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, the Preliminary Rate Resolution, and the updated assessment roll are available for inspection at the City Manager's office at City Hall, 205 East Graves Avenue, Orange City, Florida.

Both the solid waste service non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November 2011. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your solid waste service assessment, please contact the City Manager at (386) 775-5408, Monday through Friday between 8:30 a.m. and 5:00 p.m.

**\*\*\*\*\* THIS IS NOT A BILL \*\*\*\*\***