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RESOLUTION NO. R2022-44

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

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

50
51 **WHEREAS**, Wellington has awarded a Solid Waste and Recycling Collection
52 Agreement (“Contract”) for the performance of specified solid waste and recycling
53 collection services; and

54
55 **WHEREAS**, Wellington has agreed to compensate the Contractor for disposal costs
56 associated with newly constructed Residential Collection Units which are not assessed by
57 Wellington or the Authority pursuant to the Uniform Method of Collection of Non-Ad
58 Valorem Assessments (“Uniform Method”); and

59
60 **WHEREAS**, the Authority collects fees for all or a portion of the cost of processing
61 and disposing of solid waste and recycling materials from all improved property in Palm
62 Beach County using the Uniform Method; and

63
64 **WHEREAS**, the Contractor invoices and collects the cost of disposal from
65 commercial customers resulting from new construction during the year once a certificate
66 of occupancy (CO) has been issued by Wellington to such customer at the time the account
67 is established between the Contractor and the commercial customer; and

68
69 **WHEREAS**, it is the policy of Wellington that the Solid Waste Management Program
70 be fiscally self-supporting as an enterprise fund operation requiring all improved properties
71 located within Wellington to pay for the full costs of Solid Waste services, including Contract
72 services provided; and

73
74 **WHEREAS**, Wellington desires all Non-Assessed Residential Units to pay for the
75 Contract services provided pursuant to the Solid Waste Management and Mandatory Solid
76 Waste and Recycling Collection Program; and

77
78 **WHEREAS**, Wellington has completed a review of said rates.

79
80 **NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA’S**
81 **COUNCIL** that:

82
83 **SECTION 1:** The foregoing recitals are hereby affirmed and ratified.

84
85 **SECTION 2:** The terms used herein have the meaning set out in Chapter 46 “Solid Waste”.

86
87 **SECTION 3:** The Solid Waste Collection Program Budget attached hereto is hereby
88 adopted as the Solid Waste Collection Program Budget for Wellington’s Fiscal Year
89 2022/2023, except as said Budget may be otherwise modified or adjusted in accordance
90 with the laws of the State of Florida.

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95 **SECTION 4:** The Solid Waste Collection Non-Ad Valorem Assessments shall be levied in
96 accordance with the herein adopted Solid Waste Collection Program Budget, except as
97 said levy may be otherwise modified or adjusted in accordance with the laws of the State
98 of Florida.
99

100 **SECTION 5:** The Solid Waste Collection Non-Ad Valorem Assessment Rates for
101 Residential Assessed Units within Wellington shall be Two Hundred Twenty Dollars
102 (\$220.00) for curbside service and One Hundred Seventy Dollars (\$170.00) for container
103 service. The Solid Waste Collection Non-Ad Valorem Assessment Rates shall be for the
104 Fiscal Year 2022/2023 and shall become effective October 1, 2022.
105

106 **SECTION 6:** The Solid Waste Collection Non-Ad Valorem Assessment Roll is hereby
107 adopted, except as said Solid Waste Collection Non-Ad Valorem Assessment roll may be
108 otherwise modified or adjusted in accordance with the laws of the State of Florida.
109

110 **SECTION 7:** The Solid Waste Collection Non-Ad Valorem Assessment Roll as adopted is
111 to be continued to be collected from year to year until discontinued.
112

113 **SECTION 8:** Anne Gerwig, Mayor of Wellington, is hereby designated and authorized to
114 certify Wellington's 2022/2023 Solid Waste Collection Non-Ad Valorem Assessment Roll.
115

116 **SECTION 9:** Wellington does hereby adopt fees for the purpose of providing for the
117 collection of Solid Waste Disposal Costs from Non-Assessed Residential Units for newly
118 constructed structures and post-January 1, 2022 annexations into Wellington and located
119 within the Service Area which are not subject to collection pursuant to the Uniform Method
120 as authorized by Florida Statutes by either Wellington or the Authority.
121

122 The rates to be applied to Non-Assessed Residential Units for Solid Waste Disposal
123 Costs shall be prorated based on the Certificate of Occupancy date and disposal costs
124 determined by the Solid Waste Authority of Palm Beach County. Wellington has an
125 Agreement with the Authority which provided, among other things, for the collection of fees
126 from Assessed Residential Units for the Disposal Cost of Solid Waste using the Uniform
127 Method. Wellington shall collect fees from Non-Assessed Residential Units in accordance
128 with disposal costs and rates established by the Authority and the provisions of the Solid
129 Waste Management Program adopted by Wellington.
130

131 a. All fees collected from Non-Assessed Residential Units will be deposited into
132 funds for the benefit of the Solid Waste Enterprise Fund.
133

134 b. The non-payment of the fees for Non-Assessed Residential Unit Solid Waste
135 Disposal service shall not constitute a lien on the property of the Applicant which has not
136 paid such fees.
137

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

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

144
145 **SECTION 10:** The Schedule of Rates for Commercial Solid Waste Collection service, as
146 set forth in the Contract, is hereby adopted as the Commercial Rates. The rates for
147 Commercial Solid Waste Collection service shall be billed by the Contractor granted a
148 Franchise Agreement to provide exclusive collection services to this class of service as
149 defined in the Solid Waste and Recycling Collection Agreement. A written agreement
150 between the Contractor and each commercial customer or account shall be required and
151 entered into regarding the level and type of service to be provided and manner of collection
152 of fees. The Schedule of Rates in the Contract for Commercial Solid Waste Collection
153 service shall become effective October 1, 2022.

154
155 **SECTION 11:** The Schedule of Rates to be charged for special services at the request of
156 the customer and for container rentals, as set forth in the Contract, is hereby adopted. The
157 Schedule of Special Rates and Container Rental Rates shall become effective October 1,
158 2022.

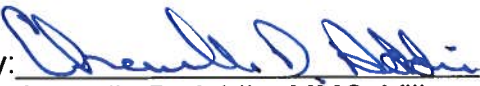
159
160 **SECTION 12:** A copy of this Resolution shall be kept on file with Wellington's Clerk and
161 shall be open to inspection to all interested parties.

162
163 **SECTION 13:** If any clause, section, or provision of this Resolution shall be declared by a
164 court of competent jurisdiction to be unconstitutional or invalid for any cause or reason,
165 only such portion shall be eliminated from this Resolution and the remainder of this
166 Resolution shall continue in full force and effect and shall be construed to fulfill the intent
167 of this Resolution so as to be a valid as if such invalid portion thereof had not been
168 incorporated therein.

169
170 **SECTION 14:** This Resolution shall take effect immediately upon its adoption.

171
172 **PASSED AND ADOPTED** this 9th day of August, 2022.

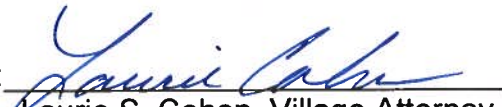
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174 **ATTEST:** **VILLAGE OF WELLINGTON**

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177 By: 
178 Chevelle D. Addie, MMC, Village Clerk

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177 By: 
178 Anne Gerwig, Mayor

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183 **APPROVED AS TO FORM**
184 **AND LEGAL SUFFICIENCY**

185
186
187 By: 
188 Laurie S. Cohen, Village Attorney

189

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

FY 2022/2023

	FY 2023 Budget
SYSTEM REVENUES	
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
TOTAL REVENUES	\$ 6,569,297
EXPENDITURES	
Residential Collection	
Personal Services	\$ 237,237
Operating Expenses	5,587,760
Roadside Refuse Patrol	
Personal Services	156,828
Operating Expenses	10,400
Non Departmental	6,863
Total Operating Expenditures	\$ 5,999,088
Capital Outlay	44,000
TRANSFERS	
Indirect Cost Allocation	526,209
Increase to Reserves	-
TOTAL EXPENDITURES	\$ 6,569,297

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)

Residential Service (per dwelling unit)	Disposal (*)	Rate for Services	
		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.



**CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of Wellington Solid Waste, located in Palm Beach County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the 9th day of August, 2022 year.



Chairman of the Board or authorized agent

of Wellington Solid Waste

Name of local government

Palm Beach County, Florida