



City of North Port

RESOLUTION NO. 2022-R-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, AS THE GOVERNING BODY OF THE SOLID WASTE DISTRICT, ESTABLISHING NOT-TO-EXCEED NON-AD VALOREM ASSESSMENT RATES FOR THE NORTH PORT SOLID WASTE DISTRICT FOR FISCAL YEAR 2022 - 2023; INCORPORATING RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port provides solid waste service to residents and properties through a dependent special district known as the North Port Solid Waste District (“District”); and

WHEREAS, pursuant to Section 66-87 of the Code of the City of North Port, Florida, the City Commission of the City of North Port, Florida serves as the governing body of the District (the “Board”); and

WHEREAS, pursuant to Chapter 66, Article IV of the Code of the City of North Port, Florida, the governing body shall have the duty, right, power, and authority to levy, by resolution, and collect special assessments against all non-exempted benefited property within its territorial bounds in order to provide funds for the purpose of providing solid waste service to the District; and

WHEREAS, the special assessments provide funding for the purpose of providing solid waste management service to the residents of the City of North Port, including but not limited to the collection, transportation, storage, and disposal of solid waste; and

WHEREAS, the District has levied special assessments for fiscal year 2021 - 2022 pursuant to a plan and methodology which the District has determined to satisfy the rational basis for a solid waste special assessment and the equitable, proportional distribution of said assessment required by relevant Florida legal standards and controlling case law; and

WHEREAS, the District intends to levy non-ad valorem assessments for fiscal year 2022 - 2023 pursuant to a plan and methodology which has determined each North Port residential unit receives a special benefit from District services and that the non-ad valorem assessments are fairly apportioned to those properties that receive such benefit as required by relevant Florida legal standards and controlling case law; and

WHEREAS, the District wishes to provide said notice through the Truth in Millage Rate (TRIM) Notice and Notice of Proposed Taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, SERVING AS THE GOVERNING BODY OF THE NORTH PORT SOLID WASTE DISTRICT:

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are true and correct and are incorporated in this resolution by reference.

SECTION 2 – NORTH PORT SOLID WASTE DISTRICT ASSESSMENT RATES

2.01 The Board adopts the following rates as not-to-exceed rates for the North Port Solid Waste District for the 2022 - 2023 fiscal year. The fiscal year begins October 1, 2022 and ends September 30, 2023.

Proposed Cost Per Residence	\$250.00
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2.02 The Board clarifies that the rates are established only as not-to-exceed rates and this action does not officially adopt any rates for the 2022 - 2023 fiscal year.

2.03 The Board authorizes staff to notify property owners of the rates by participation in the Sarasota County TRIM Notice and Proposed Notice of Taxes.

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 5 – EFFECTIVE DATE

5.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida as the governing body of the North Port Solid Waste District, in public session on _____ 2022.

THE CITY COMMISSION OF THE CITY OF NORTH PORT,
FLORIDA, SERVING AS THE GOVERNING BODY OF THE
NORTH PORT SOLID WASTE DISTRICT

PETE EMRICH
Mayor

ATTEST

Heather Taylor, MMC
City Clerk

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
City Attorney