

**CITY OF SANIBEL
RESOLUTION 25-039**

A RESOLUTION OF THE SANIBEL CITY COUNCIL RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE, IN THE CITY OF SANIBEL; CONSTITUTING THE CITY'S ANNUAL RATE RESOLUTION AND RE-IMPOSING THE ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF SANIBEL FOR THE FISCAL YEAR OCTOBER 1, 2025 THROUGH SEPTEMBER 30, 2026; APPROVING THE RATE OF ASSESSMENT; APPROVING THE SOLID WASTE ASSESSMENT ROLL; APPROVING COLLECTION OF ASSESSMENTS THROUGH THE UNIFORM METHOD OF COLLECTION (i.e., ANNUAL LEE COUNTY TAX BILL); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sanibel has enacted Resolution 25-031 and Resolution 25-032 which authorized the annual re-imposition of assessments to fund the City's collection and disposal of Solid Waste, Recyclables and Horticultural Waste for Residential Dwelling Units (defined as one through four residential dwelling units per parcel) against certain Assessed Property within the City of Sanibel; and

WHEREAS, the imposition of an annual recurring special Service Assessment for each Fiscal Year is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property; and

WHEREAS, the Council desires to re-impose an assessment for the collection and disposal of Solid Waste, Recyclables and Horticultural Waste within the City using the tax bill collection method (to be collected for tax year 2026) to fund such Solid Waste, Recyclables and Horticultural Waste collection services for the Fiscal Year beginning October 1, 2025; and

WHEREAS in order to re-impose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2025, Resolution 25-032 provides for the City to adopt an Annual Rate Resolution, which establishes the rate of assessment and approves the Solid Waste Assessment Roll for the upcoming Fiscal Year, with such adjustments as the Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated Solid Waste Assessment Roll has heretofore been made available for inspection by the public; and

WHEREAS, notice of a public hearing scheduled for August 19, 2025, has been published and, additionally, mailed to each Owner of assessable property added to the Assessment Roll since the prior year's Roll, notifying each Owner of their opportunity to be heard regarding the assessments and all matters related thereto, and regarding the tax bill method of collection and all matters related thereto; and

WHEREAS, a public hearing was held on August 19, 2025, and comments and objections of all interested persons have been heard and considered as required;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THAT;

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Initial Assessment Resolution (Resolution 25-031), the solid waste rate structure Resolution (Resolution 25-032), Chapters 166, 170, and 197, Florida Statutes, the Charter of the City of Sanibel, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Rate Resolution as defined in Resolution 25-032. All capitalized terms in this Resolution shall have the meanings defined in Resolution 25-031 and Resolution 25-032.

SECTION 3. RE-IMPOSITION OF THE ANNUAL SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE, COLLECTION AND DISPOSAL SPECIAL SERVICE ASSESSMENTS; CONFIRMATION OF UNIFORM METHOD (i.e., ANNUAL LEE COUNTY TAX BILL) OF COLLECTION.

(A) The Solid Waste Assessment Roll, a copy of which was present and available at the August 19, 2025 public hearing relating to the adoption of this Resolution, is hereby approved and is hereby incorporated herein by reference.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of Solid Waste, Recyclables, and Horticultural Waste collection and disposal services, facilities, or programs in an amount not less than the Solid Waste Service Assessment for such parcel, computed in the manner set forth in Resolutions 25-031 and 25-032. There is hereby made a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among the Assessed Property that receive the special benefit as set forth in Resolutions 25-031 and 25-032.

(C) The method for computing Solid Waste Service Assessments described in Resolutions 25-031 and 25-032 is hereby confirmed and approved. Resolution 25-032, the City's fiscal year 2025-2026 Initial Assessment Resolution is hereby confirmed and approved.

(D) For Fiscal Year beginning October 1, 2025, the Solid Waste Cost of Two Million, One Hundred Thirty-Five Thousand, Nine Hundred Seventy-Nine Dollars and Forty-Eight Cents (\$2,135,979.48) shall be allocated among all parcels of Assessed Property within the City on a per Dwelling Unit basis, based upon each parcels' classification as Residential Property and the number of Dwelling Units (one through four Dwelling Units) for such parcels. The total Solid Waste Cost is divided on a per Dwelling Unit basis among the total Assessed Property. A rate of assessment equal to (1) Five Hundred Twenty-Five Dollars and Sixty-Six Cents (\$525.66) for each Dwelling Unit applying for or using curbside Solid Waste, Recyclables, and Horticultural Waste collection and disposal services is hereby estimated for Fiscal Year 2025-2026 based on 4,069 estimated Dwelling Units; and (2) a rate of assessment equal to Six Hundred and Sixty-Six Dollars and Sixteen Cents (\$666.16) for each Dwelling Unit applying for or using backdoor Solid Waste, Recyclables, and Horticultural Waste collection and disposal services is hereby approved for Fiscal Year 2025-2026 based on 37 estimated Dwelling Units.

(E) Any shortfall in the expected Solid Waste Service Assessment proceeds due to any reduction or exemption from payment of the Solid Waste Service Assessments required by law or authorized by the Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Solid Waste Service Assessments.

(F) Interim Solid Waste Service Assessments are also levied and imposed against all residential property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(G) Such Solid Waste Service Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district, or municipal taxes, and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid.

(H) The uniform method of collection (i.e., annual Lee County tax bill), is hereby confirmed and approved. The Solid Waste Assessment Roll, as herein approved with any adjustments deemed appropriate by City Council sitting as the Sanibel Equalization Board, shall be delivered to the Tax Collector for collection using the tax bill collection method.

SECTION 4. CONFIRMATION AND APPROVAL OF RESOLUTIONS 25-031 AND 25-032, AND MATTERS THEREIN. City of Sanibel Resolutions 25-031 and 25-032 are hereby confirmed and approved in their entirety. Additionally, the following are hereby specifically confirmed and approved: (i) the assessment area as described by Resolutions 25-031 and 25-032; (ii) the description of the services to be provided as set forth in Resolutions 25-031 and 25-032; and (iii) the method of apportionment of the total Solid Waste Costs and the computation of the assessments for the Assessed Properties as set forth in Resolutions 25-031, 25-032, and this Resolution.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment, the Solid Waste Assessment Roll, and the levy and lien of the Solid Waste Service Assessments for Solid Waste, Recyclables, and Horticultural Waste collection and disposal services), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

SECTION 6. Effective date. This Resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 19TH DAY OF AUGUST 2025.

Attest:

Scotty Lynn Kelly, City Clerk

Michael Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller	_____
Smith	_____
DeBruce	_____
Henshaw	_____
Johnson	_____