

RESOLUTION SETTING FORTH POLICY AND PROCEDURES  
TO BE FOLLOWED WHEN MONETARY TRANSACTIONS COVERING  
DELAYED PAYMENTS FOR DISPOSAL OF REFUSE ARE  
MADE BY PUBLIC ENTITIES, PRIVATE FIRMS AND  
INDIVIDUALS USING THE ST. JOHNS COUNTY SOLID  
WASTE DISPOSAL SYSTEM

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, is determined to collect fees or other charges for the use of the services and facilities of the St. Johns County Solid Waste Disposal and Resource Recovery System in an effort to make the System self-supporting; and

WHEREAS, the Board of County Commissioners anticipates that actual operation of the St. Johns County Solid Waste Disposal and Resource Recovery System will commence in the near future; and

WHEREAS, the Constitution of the State of Florida (Section 10 of Article VII), prohibits a county from giving or lending credit to private firms or individuals; and

WHEREAS, monetary transactions will be a daily part of the refuse disposal process and to be accomplished efficiently and expeditiously must include a means of completing such transactions without the necessity of always handling cash; and

WHEREAS, other means of cash substitutes do exist, and are available.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, this 13 day of October, 1987, that:

1. The County Administrator or his designee is hereby authorized to implement policies and procedures under which any private or public entity, or any person, partnership, corporation, or business entity delivering refuse or removing recovered products from the St. Johns County Solid Waste System shall pay on a cash basis unless delayed payment privileges have been established which provide payment guarantee under one or more of the following:

- a. an irrevocable letter of credit with a financial institution having authority to transact business in the State of Florida;

- b. an escrow agreement with a financial institution having authority to transact business in the State of Florida;
- c. a non-interest bearing escrow cash deposit made to the account of St. Johns County (Solid Waste System);
- d. coupons have been pre-purchased from the St. Johns County Solid Waste System which have been developed as a cash substitute for use by the System; or
- e. other methods of pre-payments which are capable of insuring that implementing such methods will not result in the County indirectly giving or lending credit to private firms or individuals.
- f. a governmental entity has by resolution or contract guaranteed to the County that it will pay the County all fees or other charges for its use of the County Solid Waste and Resource Recovery System within 15 days of receipt of each County invoice.

II. The County Finance Director or his designee is hereby authorized to establish the amounts of estimated prepayments and guarantees so as to assure that total charges are equal to the amounts estimated to cover a month's period plus thirty (30) additional billing days.

The amount estimated shall be subject to change or adjustment, made at the discretion of the County Finance Director or his designee and shall be based on such factors as changes in use of services, adjustment in fee schedules, payment history or other such variables as deemed appropriate.

III. The County Finance Director or his designee is authorized to charge interest on any delinquent account at a rate not to exceed the maximum allowed by law beginning the sixteenth (16) calendar day following the initial invoice date.

IV. The County Finance Director or his designee is authorized to declare all fees due and payable, or revoke the delayed payment privileges, at any time upon finding delinquencies in payment of more than fifteen (15) days from date of invoice, significant infraction or violation of any terms of this resolution or the policies or procedures implemented hereunder, or upon the involvency or demise of an individual or firm involved in these procedures.

V. The County Finance Director or his designee is authorized to set minimum and maximum amounts of funds which must be set aside as cash substitutes in compliance with the provisions of this Resolution.

BE IT FURTHER RESOLVED that any individual or firm aggrieved by the administrative denial of use of these delayed payment privileges or revocation of previous authorization to use these delayed payment privileges shall have the right of direct appeal to the Board of County Commissioners by filing with the County Administrator or his designee, within thirty (30) days of the date <sup>decision,</sup> of denial or revocation a written request for a hearing before the Board.

BE IT FURTHER RESOLVED that notice of the foregoing right of appeal shall be set forth in the written denial or revocation issued by the County Finance Director or his designee.

*Any decision made by the County Administrator or the County Finance Director pursuant to this Resolution or by*

Adopted this 13th day of October, 1987.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *Phyllis L. Lydon*  
Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: *Cheryl Kent*  
Deputy Clerk