

RESOLUTION NO. 94-199

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY RESOLUTIONS 94-145 AND 94-160 WHICH ARE THE RESOLUTIONS THAT AMONG OTHER THINGS (i) ESTABLISH THE METHODS TO BE USED TO DETERMINE THE COLLECTION RATE AND THE RECYCLE RATE THAT ARE USED TO DETERMINE THE AMOUNTS OF THE RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENTS AND THE AMOUNTS OF THE RESIDENTIAL SOLID WASTE RECYCLE ASSESSMENTS THAT ARE LEVIED PURSUANT TO ST. JOHNS COUNTY ORDINANCE #94-7, AND (ii) ESTABLISH THE ACTUAL AMOUNTS OF SUCH ASSESSMENTS. THIS AMENDMENT MAKES THOSE RESOLUTIONS CONSISTENT WITH ST. JOHNS COUNTY ORDINANCE 94-7 AS JUST AMENDED.

(Capitalized terms herein shall have the same meaning as the Capitalized terms in St. Johns County Ordinance #94-7, as amended.)

WHEREAS, St. Johns County Ordinance 94-7 (the "Ordinance") levied Collection Assessments and Recycle Assessments upon all residences, dwelling units, and habitats, whether occupied or not, located upon Non-Exempt Residential Property in the Solid Waste Collection and Recycle MSBU on the preceding January 1; and

WHEREAS, the Board has determined that the January 1 determination date allows residents and dwelling units constructed or placed upon Non-Exempt Residential Property after January 1 each year to receive the benefits of the Solid Waste collection services and the Solid Waste Recycle Services for up to 23 months without payment of their fair share of the costs of providing such services; and

WHEREAS, the County must immediately begin paying for the availability of such services when such improvements are constructed or moved on; and

WHEREAS, this procedure places an undue burden upon the citizens of this County who are paying their fair share of the costs of providing such services; and

WHEREAS, St. Johns County Ordinance 94-7 has just been amended to rectify the matter described above; and

WHEREAS, St. Johns County Resolutions 94-145 and 94-160 were passed in accordance with ordinance 94-7 prior to its amendment and such resolutions should be amended to make them consistent with ordinance 94-7, as amended

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida as follows:

Section 1. St. Johns County Resolution 94-145 is hereby amended by deleting the 1st and 2nd "Whereas" paragraphs and by adding and substituting the following "Whereas" paragraphs in their stead:

Whereas, St. Johns County Ordinance 94-7, as amended (the "Ordinance") levies Collection Assessments and Recycle Assessments upon all Non-Exempt Residential Property located within the MSBU created by the Ordinance; and

Whereas, the Ordinance provides that the amounts of the Collection Assessment and the amounts of the Recycle

Assessment are to be determined by multiplying the number of residences, dwelling units, and habitats, whether occupied or not, located upon Non-Exempt Residential Property in the MSBU on the preceding September 15th by a collection rate and a recycle rate respectively and that the collection rate and the recycle rate are to be established from time to time by resolutions of the Board and are not to exceed the respective then current maximum collection rate and the then current maximum recycle rate that will be established by Board resolution; and

Section 2. Exhibit A attached to and incorporated into St. Johns County Resolution 94-145 is hereby amended by deleting the 2nd paragraph therefrom and by adding and substituting the following paragraph in its stead:

The following methodology is intended to allocate to each unit of Non-Exempt Residential Property located within the MSBU is fair share of the County's cost of providing, operating and/or maintaining Residential Solid Waste collection services and facilities and Residential Solid Waste Recycling Services and facilities that are used by or available to such unit in a manner that is consistent with the "Whereas" provisions and the purpose of St. Johns County Ordinance #94-7, as amended. A "unit" consists of a residence,

dwelling unit, or habitat, whether occupied or not, that is located upon Non-Exempt Residential Property.

Section 3. St. Johns County Resolution 94-160 is hereby amended by deleting Section 1 and Section 2 therefrom and by adding and substituting the following in their stead:

Section 1. The rate or amount of the Collection Assessment levied pursuant to St. Johns County Ordinance 94-7, as amended, shall be \$89.00 for the year 1994 and for each year thereafter until modified by subsequent County resolution or ordinance. Such rate or amount shall be charged, assessed and levied each year on and for each residence, dwelling unit, and habitat, whether occupied or not, (the "unit of measurement") located upon Non-Exempt Residential Property on September 15th of the year in which levied; all in the manner provided by St. Johns County 94-7, as amended, and Florida Statute 197.3632.

Section 2. The rate or amount of the Recycle Assessment levied pursuant to St. Johns County Ordinance 94-7, as amended, shall be \$28.00 for the year 1994 and for each year thereafter until modified by subsequent County resolution or ordinance. Such rate or amount shall be charged, assessed and levied each year on and for each residence, dwelling unit, and habitat, whether occupied or not, (the "unit of measurement") located

upon Non-Exempt Residential Property on September 15th of the year in which levied; all in the manner provided by St. Johns County Ordinance 94-7, as amended, and Florida Statutes 197.3632.

Section 4. The above Collection Assessment amounts and the above Recycle Assessment amounts may also be used to calculate the amounts of the pro rated Collection Assessments and the amounts of the pro rated Recycle Assessments as provided in St. Johns County Ordinance 94-7, as amended.

Section 5. The Board of County Commissioners finds and determines that the provisions of this resolution are consistent with the provisions of St. Johns County Ordinance 94-7, as amended, and with the assessment rolls used to produce the Tax Collector's 1994 notice of non ad valorem assessments and that further revisions to resolutions 94-145 and/or 94-160 are not needed because of the provisions herein or because of the amendment to St. Johns County Ordinance 94-7.

Section 6. This resolution shall become effective on the date and time that ordinance 94-~~47~~ becomes effective.

PASSED AND ADOPTED this 25 day of October,

1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Deen Roberts
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia DeGrande
Deputy Clerk

Effective date November 7, 1994