

RESOLUTION NO. 99 - 55

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CLARIFYING THE PURPOSE AND USE OF THE SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT (MSBU) DESCRIBED BY ST. JOHNS COUNTY ORDINANCE 89-20, AS AMENDED.

WHEREAS, St. Johns County Ordinance 89-20 established a Solid Waste Municipal Service Benefit Unit (“MSBU”) pertaining to certain portions of St. Johns County; and

WHEREAS, Section 44 of said Ordinance described the purpose of said MSBU as: “[t]he purpose of the MSBU is to provide a mechanism that allows the levy and collection of Special Assessment(s) against Non Exempt Residential Properties to fund the costs, including debt service, of providing, operating, maintaining and closing sufficient parts or portions of County Landfills available for the disposal of Residential Solid Waste that is, or can be reasonably anticipated to be, produced or generated at such Non Exempt Residential Property....”; and

WHEREAS, the definition of County Landfill provided in said Ordinance is: “‘County Landfill’ shall mean County owned or operated Solid Waste disposal sites, including but not limited to Solid Waste landfills and Solid Waste collection and transfer stations; County owned or operated Solid Waste Recycling Systems and facilities; and County owned or operated Solid Waste Resource Recovery facilities and Treatments Systems. It shall also mean such sites and facilities that are operated on behalf of the Board to accept or process Solid Waste....”; and

WHEREAS, said Ordinance authorizes the County to administer the MSBU special assessments in the manner provided by s. 197.3632, Florida Statutes; and

WHEREAS, s.197.3632 requires a special procedure if there is a change in the purpose for such assessment or in the use of the revenue generated by such assessment; and

WHEREAS, the purpose and use of the special assessment remain to provide for County Landfills to serve the needs of said assessed properties; and

WHEREAS, the County will be using a transfer station and a contracted for landfill to meet the County’s Solid Waste disposal needs; and

WHEREAS, s. 403.706, Florida Statutes, places upon the County the responsibility for, and grants the County the power to, provide for the operation of Solid Waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the County; and

WHEREAS, paragraph (8) of s. 403.706 provides that the Board may enter into a written

agreement with other persons to undertake to fulfill some or all of the County's Solid Waste responsibilities; and

WHEREAS, the phrase "such sites and facilities that are operated on behalf of the Board to accept or process Solid Waste" found as part of the definition of "County Landfill" in Ordinance 89-20 reasonable includes contracted out services such as the County's planned Solid Waste management system will rely on;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA that:

Section 1. The above whereas clauses are hereby duly found findings of this Board, and incorporated herein.

Section 2. The purpose of the Solid Waste MSBU as described in Ordinance 89-20 is clarified to include and incorporate a Solid Waste Management system utilizing transfer station(s), associated operation and transport, and contracted landfill services.

Section 3. The use of said Solid Waste MSBU special assessments shall remain providing for the disposal of Solid Waste from said MSBU assessed properties.

Section 3. This resolution shall take effect upon passage.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 6 day of April, 1999.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, its Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeGrade
Deputy Clerk