

RESOLUTION NO. 2017-271

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING PROCEDURES FOR THE WAIVER OF ST. JOHNS COUNTY'S SOLID WASTE SPECIAL ASSESSMENTS FOR CERTAIN HOMESTEAD RESIDENTIAL PROPERTIES BASED UPON THE FINANCIAL HARDSHIP OF THE HOMESTEAD OWNERS; AND RESCINDING RESOLUTION NO. 94-161 AND RESOLUTION NO. 2009-69.

WHEREAS, under Section 17.H of the Solid Waste Ordinance, the Board may, subject to certain requirements, waive the payment of Special Assessments under the Solid Waste Ordinance for individuals who will suffer a serious financial hardship if required to pay the Special Assessments; and

WHEREAS, under Section 17.H of the Solid Waste Ordinance, the Board may establish provisions, definitions, and procedures for such waiver by resolution; and

WHEREAS, by passage of this resolution, the Board intends to implement Section 17.H of the Solid Waste Ordinance by adopting provisions, definitions, and procedures for such waivers, exemptions, and hardship assistance; and

WHEREAS, the Board previously adopted Resolution Nos. 94-161 and 2009-69, which implemented a hardship exemption from solid waste assessments; and

WHEREAS, Resolution Nos. 94-161 and 2009-69 were adopted pursuant to an ordinance that has since been repealed, replaced, and superseded by the Solid Waste Ordinance and are therefore due to be rescinded; and

WHEREAS, the Board finds and determines that adoption of this resolution is in the public interest and will help promote the public health, safety, and welfare.

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

Section 1. The above recitals are incorporated by reference into the body of this resolution, and such recitals are adopted as findings of fact.

Section 2. The definitions set forth in Section 2 of the Solid Waste Ordinance are adopted and incorporated in this resolution. Additionally, the following words and terms, when used in this resolution, shall have the meanings set forth below:

A. "Federal Poverty Guidelines" means the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2).

B. "HHS" means the St. Johns County Department of Health and Human Services.

C. "Qualifying Homestead Residence" means a residential property or parcel that is receiving one or more current homestead exemption(s) pursuant to Section 196.031, Florida Statutes, during a year in which (a) the total gross annual income of the legal or beneficial owner(s) of a homestead residence located on such residential property or parcel is equal to or less than 150 percent of the current Federal Poverty Guidelines adjusted for family size and (b) the total value of such owner's or owners' assets does not exceed \$2,500. The following items shall not be included in determining the total value of the owner's assets: (a) the value of the owner-occupied residence; (b) one vehicle and, if the owner and the owner's spouse are both employed and the vehicles are necessary for transportation to and from their place(s) of employment, one additional vehicle; and (c) household tangible property, including, but not limited to, clothing, jewelry, household furniture and fixtures.

D. "Solid Waste Ordinance" means St. Johns County Ordinance No. 2017-39.

Section 3. Subject to the requirements of this resolution and the Solid Waste Ordinance, the County may waive the payment of Special Assessments for each Qualifying Homestead Residence located on a residential property or parcel for each year such residence meets the definition of a Qualifying Homestead Residence.

Section 4. To be eligible for waiver of the payment of Special Assessments pursuant to this resolution, a person must submit a complete application each year to HHS, or such other County department or employee as the County Administrator may direct, on or before January 31st of the year immediately following the year of the first tax notice to which the waiver shall apply. For example, an application for waiver of payment of Special Assessments identified in the first tax notice issued in 2017 is timely if complete and submitted by January 31, 2018. A complete application must be made on the County-required application form and include such supporting information or documentation as may be required by the County Administrator.

Section 5. Each year, HHS shall (a) promptly review each timely, complete application to determine whether the applicant and the applicant's residence meet the definition of Qualifying Homestead Residence; (b) rank all Qualifying Homestead Residences in order of their hardship and need; and (c) provide recommendations to the Board for payment of Special Assessments by the County on behalf of Qualifying Homestead Residences, ranked in the order of their hardship and need.

Section 6. Upon receiving the recommendations of HHS pursuant to Section 5, above, the Board shall determine whether, and the extent to which, funds shall be appropriated to implement the recommendations of HHS. If the Board approves any

such funding, the Board shall instruct the St. Johns County Finance Department to pay the St. Johns County Tax Collector, on behalf of the Qualifying Homestead Residences, in the amounts designated by the Board and in the order ranked by HHS pursuant to Section 5, above. As required by the Solid Waste Ordinance, any funds used to pay the Special Assessments for Qualifying Homestead Residences shall be appropriated from the County's general revenue fund or a source other than the revenues collected with the Special Assessments.

Section 7. Neither the submittal of an application, a determination by HHS that an applicant or residence meets the definition of a Qualifying Homestead Residence or is eligible for a waiver, the rankings or recommendations of HHS, nor anything else in this resolution shall in any way establish a right or entitlement to a waiver, exemption, or hardship assistance pursuant to this resolution or the Solid Waste Ordinance. The provision of a waiver, exemption, or hardship assistance in any particular Fiscal Year shall in no way establish a right or entitlement to a waiver, exemption, or assistance in any subsequent Fiscal Year. The provision of waivers, exemptions, or assistance in any Fiscal Year may be restricted or eliminated to the extent funds are available and appropriated by the Board.

Section 8. The County Administrator is authorized and directed to prepare (a) an application form for the waiver provided by this resolution, (b) internal policies and procedures for the review of applications submitted pursuant to this resolution, and (c) any other related materials that are consistent with the intent and content of this resolution and are necessary to facilitate the efficient, effective, and equitable administration of this resolution.

Section 9. Resolution No. 94-161 and Resolution No. 2006-69 are rescinded.

Section 10. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this resolution, then this resolution may be revised without subsequent approval by the Board.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 15 day of, August 2017.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_

  
James K. Johns, Chair

ATTEST: Hunter S. Conrad, Clerk

  
Pam Halterman

Deputy Clerk

RENDITION DATE 8/17/17

