

RESOLUTION NO. 2019- 300

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING THE ANNUAL ASSESSMENT RESOLUTION FOR FISCAL YEAR 2019-2020 PURSUANT TO THE SOLID WASTE ORDINANCE, ESTABLISHING THE SOLID WASTE COST TO BE ASSESSED AND APPORTIONED FOR FISCAL YEAR 2019-2020, ESTABLISHING THE RATE OF EACH SOLID WASTE SPECIAL NON-AD VALOREM ASSESSMENT FOR FISCAL YEAR 2019-2020, ESTABLISHING MAXIMUM SOLID WASTE SPECIAL NON-AD VALOREM ASSESSMENT RATES FOR FISCAL YEARS 2019-2020, 2020-2021, 2021-2022, 2022-2023, AND 2023-2024, APPROVING THE NON-AD VALOREM ASSESSMENT ROLL FOR THE SOLID WASTE MUNICIPAL SERVICE BENEFIT UNITS FOR FISCAL YEAR 2019-2020, AUTHORIZING THE CERTIFICATION OF SAID ASSESSMENT ROLL TO THE ST. JOHNS COUNTY TAX COLLECTOR BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DETERMINING THE METHOD OF COLLECTION OF THE SOLID WASTE SPECIAL NON-AD VALOREM ASSESSMENTS, PROVIDING FOR THE EFFECT OF ADOPTION OF THE RESOLUTION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida ("Board") enacted Ordinance No. 1989-20 on May 9, 1989 and Ordinance No. 1994-07 on February 22, 1994 to provide for the creation of Municipal Service Benefit Units with associated non-ad valorem assessment rolls to fund certain Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs to serve the Non-Exempt Residential Properties located therein; and

WHEREAS, the St. Johns County Solid Waste Ordinance, Ordinance No. 2017-39 ("Solid Waste Ordinance") repealed Ordinance Nos. 89-20 and 94-07, but ratified and confirmed the existing MSBUs created in those ordinances; and

WHEREAS, the continued imposition of the Special Assessments is an equitable and efficient method of allocating and apportioning the Solid Waste Cost among the parcels of Non-Exempt Residential Property within the MSBUs; and

WHEREAS, Section 17.A(1) of the Solid Waste Ordinance provides that annually, during the budget adoption process at a duly noticed public hearing, the Board shall adopt an Annual Assessment Resolution for each Fiscal Year in which Special Assessments will be imposed to fund the Solid Waste Cost, after hearing any oral or written objections; and

WHEREAS, Section 17.A(1) of the Solid Waste Ordinance provides that the Annual Assessment Resolution shall (a) determine the Solid Waste Cost to be assessed for the upcoming Fiscal Year; (b) establish the rate for each of the Special Assessments to be imposed in the upcoming Fiscal Year; (c) establish or increase the maximum assessment rates, if such maximum assessment rates were included in any notices required by Section 17.B of the Solid Waste Ordinance; (d) approve the Assessment Roll prepared in accordance with the requirements set

forth in the Solid Waste Ordinance for the upcoming Fiscal Year with such adjustments as the Board deems just and right; and (e) determine the method of collection of the Special Assessments; and

WHEREAS, Section 17.A(4) of the Solid Waste Ordinance provides that the Special Assessments for the applicable Fiscal Year shall be established upon the adoption of the Annual Assessment Resolution; and

WHEREAS, Section 17.A(2) of the Solid Waste Ordinance provides that the Assessment Roll shall contain the following: (a) a summary description of all Non-Exempt Residential Property within the MSBUs conforming to the description contained on the Tax Roll; (b) the name of the owner of the Non-Exempt Residential Property; (c) the number of residences, Dwelling Units, or Habitats attributable to each parcel; (d) the estimated maximum annual assessment for each residence, Dwelling Unit, or Habitat; and (e) the amount of each Special Assessment to be imposed against each Non-Exempt Residential Property; and

WHEREAS, the Assessment Roll has been made available for inspection by the public, as required by the Solid Waste Ordinance; and

WHEREAS, § 197.3632, Florida Statutes, requires the Board to certify a non-ad valorem assessment roll on compatible electronic medium to the tax collector by September 15 of each year; and

WHEREAS, a Certificate to Non-ad Valorem Assessment Roll for 2019-2020, attached hereto as Exhibit "A" and incorporated by reference and made a part hereof, has been prepared to reflect the number of units and unit rates of the MSBUs and to authorize the electronic transmission of the aforementioned Assessment Roll to the St. Johns County Tax Collector; and

WHEREAS, a duly noticed public hearing was held on August 6, 2019, and any and all written objections were received by the Board and filed with the Clerk of Courts of St. Johns County and any and all comments and objections of all interested persons were heard and considered, as required by § 197.3632, Florida Statutes, and the Solid Waste Ordinance; and

WHEREAS, on or around July 1, 2019, at least 20 days prior to the public hearing, notice of the hearing was sent by first-class mail to each person owning property subject to the assessment and was published in *The St. Augustine Record*, a newspaper generally circulated within the boundaries of St. Johns County, as required by § 197.3632, Florida Statutes, and the Solid Waste Ordinance; and

WHEREAS, the notice by mail and the published notice, copies of which are attached hereto as Exhibits "B" and "C," respectively, and incorporated herein by reference, included the information required by § 197.3632, Florida Statutes, and the Solid Waste Ordinance.

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated by reference into the body of this Resolution and adopted as findings of fact.

Section 2. Definitions. Unless otherwise defined herein, all capitalized terms in this resolution shall have the meanings set forth in Section 2 of the Solid Waste Ordinance. This resolution constitutes the Annual Assessment Resolution as defined in the Solid Waste Ordinance.

Section 3. Determination of Solid Waste Cost; Establishment of Special Assessments; Establishment of Maximum Assessment Rates.

A. The Non-Exempt Residential Property described in the Assessment Roll, which is approved hereby, are hereby found to be specially benefited by the provision of Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs described in the Solid Waste Ordinance in the amount of the Special Assessments set forth in the Assessment Roll, a copy of which was present or available at the above referenced public hearing and is incorporated herein by reference.

B. It is hereby ascertained, determined, and declared that each parcel of Non-Exempt Residential Property within the MSBUs will be benefitted by the County's provision of Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs described in the Solid Waste Ordinance in an amount not less than the Special Assessments for such parcel, computed in the manner set forth in the Solid Waste Ordinance.

C. Adoption of this resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Solid Waste Ordinance, from the Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs to be provided and a legislative determination that the Special Assessments are fairly and reasonably apportioned among the Non-Exempt Residential Properties that receive the special benefit.

D. The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2019 is hereby determined to be \$20,266,910.00. The Solid Waste Cost shall be allocated among each Non-Exempt Residential Property within the MSBUs for each residence, Dwelling Unit, and Habitat, whether occupied or not, located upon such Non-Exempt Residential Property.

E. An annual rate of assessment for the Disposal Assessment of \$57.00 is hereby approved for each residence, Dwelling Unit, and Habitat, whether occupied or not, located upon Non-Exempt Residential Property, for the Fiscal Year beginning October 1, 2019.

F. Maximum rates of assessment for the Disposal Assessment of \$57.00 for the Fiscal Year beginning October 1, 2019, \$57.00 for the Fiscal Year beginning October 1, 2020, \$57.00 for the Fiscal Year beginning October 1, 2021, \$57.00 for the Fiscal Year beginning October 1, 2022, and \$62.00 for the Fiscal Year beginning October 1, 2023, are hereby approved for each residence, Dwelling Unit, and Habitat, whether occupied or not, located upon Non-Exempt Residential Property.

G. An annual rate of assessment for the Collection Assessment of \$118.00 is hereby approved for each residence, Dwelling Unit, and Habitat, whether occupied or not, located upon Non-Exempt Residential Property, for the Fiscal Year beginning October 1, 2019.

H. Maximum rates of assessment for the Collection Assessment of \$118.00 for the

Fiscal Year beginning October 1, 2019, \$122.00 for the Fiscal Year beginning October 1, 2020, \$126.00 for the Fiscal Year beginning October 1, 2021, \$130.00 for the Fiscal Year beginning October 1, 2022, and \$130.00 for the Fiscal Year beginning October 1, 2023, are hereby approved for each residence, Dwelling Unit, and Habitat, whether occupied or not, located upon Non-Exempt Residential Property.

I. An annual rate of assessment for the Recycling Assessment of \$55.00 is hereby approved for each residence, Dwelling Unit, and Habitat, whether occupied or not, located upon Non-Exempt Residential Property, for the Fiscal Year beginning October 1, 2019.

J. Maximum rates of assessment for the Recycling Assessment of \$55.00 for the Fiscal Year beginning October 1, 2019, \$57.00 for the Fiscal Year beginning October 1, 2020, \$59.00 for the Fiscal Year beginning October 1, 2021, \$61.00 for the Fiscal Year beginning October 1, 2022, and \$62.00 for the Fiscal Year beginning October 1, 2023, are hereby approved for each residence, Dwelling Unit, and Habitat, whether occupied or not, located upon Non-Exempt Residential Property.

K. The Special Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Non-Exempt Residential Property described in the Assessment Roll.

L. Any shortfall in the expected Special Assessments proceeds due to any reduction or exemption from payment of the Special Assessments required by law or authorized by the Board shall be supplemented by any legally available funds, or combination of funds, and shall not be paid for by proceeds or funds derived from the Special Assessments.

M. As authorized by Section 17.C of the Solid Waste Ordinance, prorated Special Assessments are also levied and imposed against each residence, Dwelling Unit, and Habitat that is constructed upon or moved onto Non-Exempt Residential Property, or is on such property and receives County approval for Electrical Service, after adoption of this resolution based upon the rates of assessment approved herein.

Section 4. Approval of Assessment Roll; Determination of Method of Collection.

A. The Board hereby approves the 2019-2020 non-ad valorem assessment rolls for the MSBUs included in the Certificate to Non-ad Valorem Assessment Roll attached hereto as Exhibit A and authorizes the Chairman of the Board to execute said Certificate.

B. The Assessment Roll, as approved herein, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Solid Waste Ordinance and shall be accompanied by the executed Certificate.

Section 5. Effect of Adoption of Resolution. The adoption of this resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the determination of special benefit and fair apportionment to the Non-Exempt Residential Property in the MSBUs, the method of apportionment and assessment, the rate of assessment, the Assessment Roll, and the levy and lien of the Special Assessments) unless suit is initiated in a court of competent jurisdiction

to secure relief within twenty (20) days from the date of this resolution.

Section 6. Effective Date. This resolution shall take effect immediately upon its passage and adoption.

Section 7. Filing. The Clerk of the Courts of St. Johns County is instructed to file the executed Certificate in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 12th day of September, 2019.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: Paul M. Waldron
Paul M. Waldron, Chair

ATTEST: Hunter S. Conrad, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 9/17/19



EXHIBIT

A

CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that I am the Chair of the Board of County Commissioners, or authorized agent of St. Johns County, Florida ("County"); as such I have satisfied myself that all property included or includable on the Solid Waste MSBUs Assessment Roll for the County are properly assessed so far as I have been able to ascertain, and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

The Non-Ad Valorem Assessments for St. Johns County Solid Waste MSBUs are as follows:

Solid Waste Disposal – 88,117 units are to be assessed \$57.00 per unit
Solid Waste Collection – 88,117 units are to be assessed \$118.00 per unit
Solid Waste Recycling – 88,117 units are to be assessed \$55.00 per unit

The Roll has been certified and is to be electronically transferred to the St. Johns County Tax Collectors Office by the County MIS Department.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the St. Johns County Tax Collector by September 15, 2019.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the St. Johns County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this ____ day of September, 2019.

ST. JOHNS COUNTY, FLORIDA

By: _____
Paul M. Waldron, Chair

EXHIBIT

B

***** NOTICE TO PROPERTY OWNER *****



St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

ST. JOHNS COUNTY, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR
COLLECTION OF SOLID WASTE DISPOSAL,
COLLECTION, AND RECYCLING
NON-AD VALOREM ASSESSMENTS
NOTICE DATE: JULY 1, 2019



Tax Parcel #



As required by Section 197.3632, Florida Statutes, notice is given by St. Johns County, Florida (the "County") that annual assessments for solid waste disposal, collection, and recycling services, facilities, and programs using the tax bill collection method may be levied on your property for the fiscal year October 1, 2019 – September 30, 2020 and future fiscal years. The purpose of the assessments is to fund solid waste disposal, collection, and recycling services, facilities, and programs benefiting residential property located within the unincorporated area of the County and each municipality within the County that consents to inclusion by ordinance. The total annual solid waste assessment revenue to be collected within the County is estimated to be \$21,419,210.00 for the upcoming fiscal year. The annual solid waste assessments are based on the number of residences, dwelling units, and habitats contained on each residential property. The maximum rates of assessment for each residence, dwelling unit, and habitat shall be as follows:

	Fiscal Year 2019-20	Fiscal Year 2020-21	Fiscal Year 2021-22	Fiscal Year 2022-23	Fiscal Year 2023-24
Disposal Assessment	\$57.00	\$57.00	\$57.00	\$57.00	\$62.00
Collection Assessment	\$118.00	\$122.00	\$126.00	\$130.00	\$130.00
Recycling Assessment	\$55.00	\$57.00	\$59.00	\$61.00	\$62.00
TOTAL	\$230.00	\$236.00	\$242.00	\$248.00	\$254.00

The total number of residences, dwelling units, and habitats on the above parcel is 1.

The total amount to be levied against the above parcel for Fiscal Year 2019-20 shall be \$57 for the Disposal Assessment, \$118 for the Collection Assessment, and \$55 for the Recycling Assessment.

A public hearing will be held at 9:00 a.m. on August 6, 2019, in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners within 20 days of this notice. If you decide to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board of County Commissioners action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Solid Waste Ordinance, the Annual Assessment Resolution, and the updated assessment roll are available for inspection at the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Both the solid waste non-ad valorem assessments amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November 2019. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your solid waste special assessment, please contact the County at (904) 827-6980, Monday through Friday between 8:00 a.m. and 4:30 p.m.

***** THIS IS NOT A BILL *****



St. Johns County Board of County Commissioners

Public Works | Solid Waste Division

Dear Resident,

St. Johns County currently provides weekly residential garbage, recycling, and yard waste collection and disposal services to more than 86,000 customers. Residential customers pay for these collection services through the solid waste special assessments included on their annual tax bill. Through various strategic contract management techniques, the total cost to receive these services has remained \$222 annually since 2008.

However, due to a substantial rise in the cost of providing recycling, garbage, and yard waste services, an increase in the solid waste special assessments has been proposed to the Board of County Commissioners for consideration. If approved, the maximum total solid waste special assessments rate will increase by \$8 in the first year and \$6 annually for the subsequent four years, for a total increase of \$32 over the next five years as explained in the attached notice.

St. Johns County hosted a series of public workshops to provide residents the opportunity to ask questions and receive information regarding the proposed new solid waste special assessments in June. If you were unable to attend one of these meetings and have questions, or if you would like to obtain more information regarding the proposed solid waste special assessments, please call 904.827.6980 or email solidwaste@sjcfl.us.

A public hearing regarding the proposed solid waste special assessments will be held during the Board of County Commissioners regular meeting at 9:00 a.m. on August 6, 2019, at the County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. All affected property owners have the right to appear at the final public hearing and to file written objections with the Board of County Commissioners within 20 days of the attached notice.

Thank you,

A handwritten signature in black ink that reads "Wendy Hicks".

Wendy Hicks
Solid Waste Manager
St. Johns County, Florida
904.827.6980

EXHIBIT C

THE ST. AUGUSTINE RECORD
Affidavit of Publication

SJC SOLID WASTE MGT
2750 INDUSTRY CENTER CENTER RD.

SAINT AUGUSTINE, FL 32084

ACCT: 18643
AD# 0003188203-01
PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

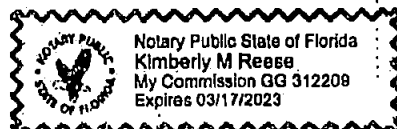
Before the undersigned authority personally appeared JULIA KERTI who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a SA Legal Retail in the matter of BCC-HEARING-SOLID WASTE was published in said newspaper on 07/01/2019.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before me this 01 day of JUL 2019

by Julia Kerti who is personally known to me
or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)



NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE DISPOSAL, COLLECTION, AND RECYCLING NON-AD VALOREM ASSESSMENTS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners for St. Johns County will conduct a public hearing to consider increasing beyond the maximum rate authorized by law the solid waste disposal, collection, and recycling non-ad valorem assessments against improved residential properties located within the unincorporated area of the County and each municipality within the County that consents to inclusion by ordinance, as shown below, to fund solid waste disposal, collection, and recycling services, facilities, and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The hearing will be held at 9:00 a.m. on August 6, 2019, in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners within 20 days of the publication of this notice. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATION AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals, Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

The annual solid waste assessments will be generally computed by multiplying the number of residences, dwelling units, and habitats on each residential property by the rates of assessment. The maximum rates of assessment for each residence, dwelling unit, and habitat for the upcoming fiscal year and future fiscal years shall be as follows:

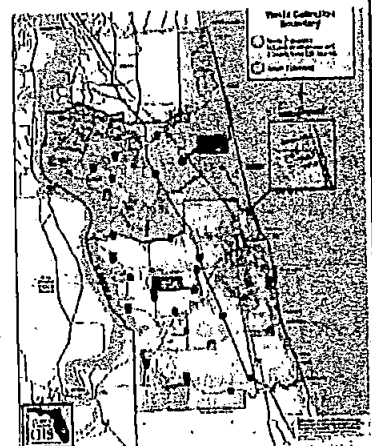
	Fiscal Year 2019-20	Fiscal Year 2020-21	Fiscal Year 2021-22	Fiscal Year 2022-23	Fiscal Year 2023-2024
Disposal Assessment	\$57.00	\$57.00	\$57.00	\$57.00	\$62.00
Collection Assessment	\$118.00	\$122.00	\$126.00	\$130.00	\$130.00
Recycling Assessment	\$55.00	\$57.00	\$59.00	\$61.00	\$62.00
TOTAL	\$230.00	\$236.00	\$242.00	\$248.00	\$254.00

Copies of the Solid Waste Ordinance, the Annual Assessment Resolution, and the updated assessment roll are available for inspection at the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida

Both the solid waste non-ad valorem assessments and ad valorem taxes will be collected on the ad valorem tax bill to be mailed in November 2019, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the assessed property which may result in a loss of title.

If you have any questions, please contact the County at (904) 827-6980, Monday through Thursday between 8:00 a.m. and 4:30 p.m.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
PAUL M. WALDRON, CHAIR
HUNTER S. CONRAD, ITS CLERK
By: Yvonne King, Deputy Clerk**



0003186203 July 1, 2019