

RESOLUTION NO. R-11-2021

A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS WITHIN THE MAGNOLIA WEST ASSESSMENT AREA IN THE CITY OF GREEN COVE SPRINGS, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST RESIDENTIAL PROPERTY; DIRECTING THE CITY MANAGER TO PREPARE OR DIRECT THE PREPARATION OF A SOLID WASTE ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING FOR THE PROPOSED SOLID WASTE SERVICE ASSESSMENTS AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR COLLECTION; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of Ordinance No. O-04-2016, as codified in Article VII, Chapter 78 of the Green Cove Springs Code of Ordinances (the "Code"), Resolution No. R-09-2016, as amended (the "Initial Assessment Resolution"), Resolution No. R-14-2016 (the "Final Assessment Resolution"), Article VIII, Section 2(b), Florida Constitution, sections 166.021 and 166.041, Florida Statutes, the City Charter of the City of Green Cove Springs, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS.

(A) This Resolution constitutes the Preliminary Rate Resolution as defined in Section 78-167 of the Code which initiates the annual process for updating the Solid Waste Assessment Roll and directs the reimposition of Solid Waste Assessments for the Fiscal Year beginning October 1, 2021.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in Sections 78-167 and 66-1 of the Code, the Initial Assessment Resolution, as amended, and the Final Assessment Resolution.

(C) Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

SECTION 3. LEGISLATIVE DETERMINATIONS. The legislative determinations embodied in Section 78-164 of the Code, the Initial Assessment Resolution, as amended, and the Final Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 4. PROVISION OF SOLID WASTE AND RECYCLABLE MATERIALS COLLECTION; DETERMINATION OF SOLID WASTE COST; ESTABLISHMENT OF SOLID WASTE SERVICE ASSESSMENTS.

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2021, is \$119,700.00. The approval of this Preliminary Rate Resolution determines the amount of the Solid Waste Cost. The remainder of such Fiscal Year budget for Solid Waste and Recyclable Materials collection services, facilities, and programs shall be funded from available City revenue other than Solid Waste Service Assessments.

(B) For the Fiscal Year in which Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection services, facilities, and programs are imposed, the Solid Waste Cost shall be allocated among all Tax Parcels of Residential Property, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels.

(C) A rate of assessment equal to \$228.00 for each Dwelling Unit on each Tax Parcel of Residential Property within the Magnolia West Assessment Area for Solid Waste and Recyclable Materials collection services, facilities, and programs is hereby approved for the Fiscal Year beginning October 1, 2021.

(D) The rate of the Solid Waste Service Assessments established in this Preliminary Rate Resolution shall be the rates applied by the City Manager in the preparation of the updated Solid Waste Assessment Roll for the Fiscal Year commencing October 1, 2021, as provided in Section 5 of this Preliminary Rate Resolution.

(E) Upon the imposition of Solid Waste Assessments for Solid Waste and Recyclable Materials collection services, facilities, and programs against Residential Property located within the Magnolia West Assessment Area, the City shall provide Solid Waste and Recyclable Materials collection services, facilities, and programs to such Residential Property. All or any portion of the Solid Waste Cost to provide such Solid Waste and Recyclable Materials collection services, facilities, and programs shall be funded from proceeds of the Solid Waste Service Assessments. The remaining cost, if any, required to provide Solid Waste and Recyclable Materials collection services, facilities, and programs shall be funded by legally available City revenues.

(F) The Magnolia West Assessment Area created in Section 4 of the Initial Assessment Resolution, as amended by Section 3 of the Final Assessment Resolution, is hereby confirmed and established as the service area for the Fiscal year beginning on October 1, 2021, and it is hereby ascertained, determined, and declared each parcel of Residential Property located within the Magnolia West Assessment Area will be benefited by the City's provision of Solid Waste and Recyclable Materials collection services, facilities, and programs in an amount not less than the Solid Waste Service Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution

SECTION 5. SOLID WASTE ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or direct the preparation of, the updated Solid Waste Assessment Roll for the Fiscal Year beginning October 1, 2021, in the manner provided in Section 78-204 of the Code.

(B) Such updated Solid Waste Assessment Roll shall contain the following: (1) a summary description of all Residential Property within the Magnolia West Assessment Area conforming to the description contained on the Tax Roll; (2) the name and address of the Owner of each Tax Parcel as shown on the Tax Roll, if available; (3) the number of Dwelling Units attributable to the Tax Parcel; and (4) the amount of the Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection services, facilities, and programs.

(C) The updated Solid Waste Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the updated Solid Waste Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each Tax Parcel can be determined by use of a computer terminal available to the public.

(D) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection services, facilities, and programs (1) is a fair and reasonable method of apportioning the Solid Waste Cost among parcels of Residential Property; and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Solid Waste and Recyclable Materials collection services, facilities, and programs which are allocable to the specific parcels of Residential Property.

SECTION 6. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 7:00 p.m. on September 7, 2021, in the City Council Chambers, City Hall, 321 Walnut Street, Green Cove Springs, Florida, for the purpose of (1) receiving and considering any comments on the Solid Waste Service Assessments from affected property owners; and (2) authorizing the imposition of such Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection services, facilities, and programs and collection on the same bill as ad valorem taxes.

SECTION 7. NOTICE BY PUBLICATION. The City Clerk shall publish a notice, as required by Section 78-205 of the Code, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than August 17, 2021 in a newspaper generally circulated in the City.

SECTION 8. NOTICE BY MAIL.

(A) If required by Section 78-209(f) of the Code, the City Manager shall provide notice by first class mail to the Owner of each Tax Parcel of Residential Property, as required by Section 78-206 of the Code, in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than August 17, 2021.

(B) For Tax Parcels with exempt "home addresses" pursuant to Section 119.071(4), Florida Statutes, the City Manager shall work with the Property Appraiser and/or Tax Collector for provision of notice.

SECTION 9. METHOD OF COLLECTION. The Solid Waste Service Assessments shall be collected from all Residential Property within the Magnolia West Assessment Area pursuant to the Uniform Assessment Collection Act as provided in Section 78-266 of the Code.

SECTION 10. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 20TH DAY OF JULY, 2021.

CITY OF GREEN COVE SPRINGS, FLORIDA

Edward Gaw, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

L. J. Arnold, III, City Attorney

APPENDIX A
FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 17, 2021

**NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR
COLLECTION OF SOLID WASTE SERVICE NON-AD VALOREM ASSESSMENTS**

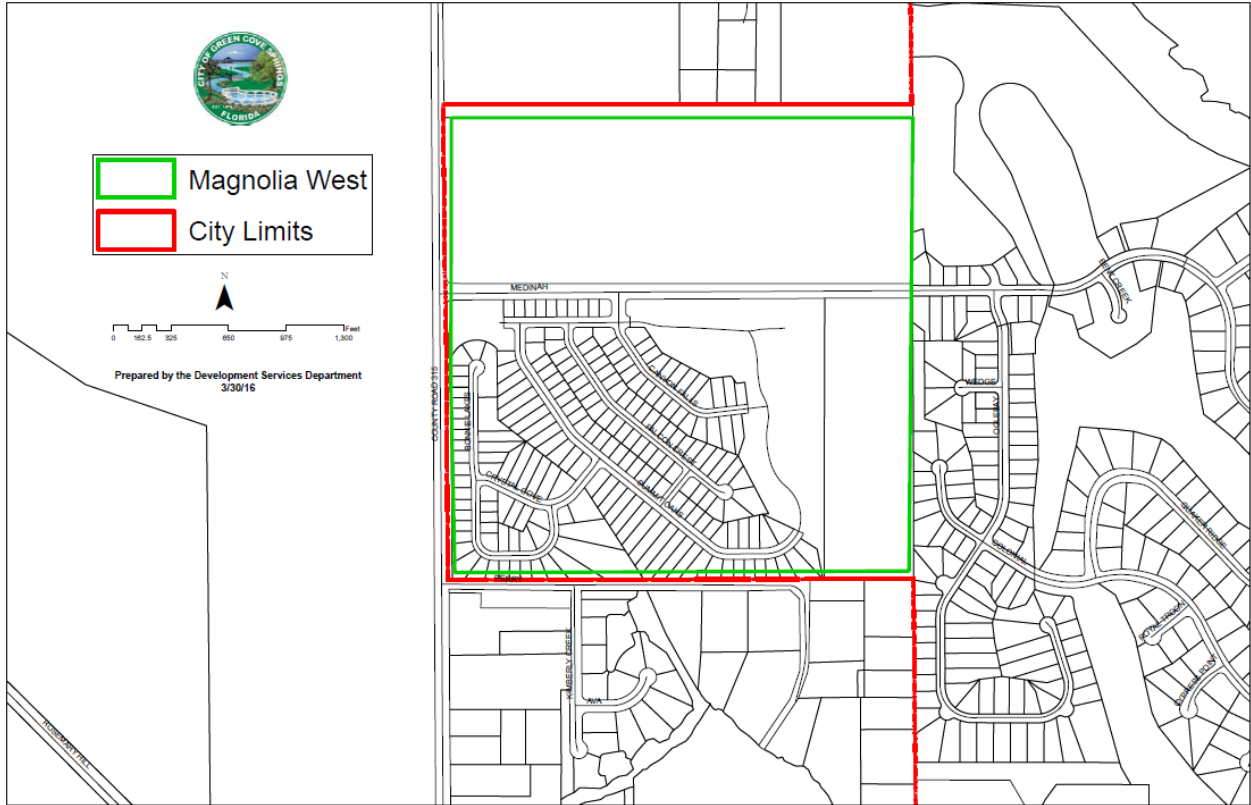
Notice is hereby given that the City Council of the City of Green Cove Springs, will conduct a public hearing to consider reimposing Solid Waste Service Assessments against certain improved residential properties located within the Magnolia West assessment area of the City, as shown below, for the fiscal year October 1, 2021 – September 30, 2022 and future fiscal years to fund the cost of solid waste and recyclable materials collection 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 7:00 p.m. on September 7, 2021, in the City Council Chambers, City Hall, 321 Walnut Street, Green Cove Springs, 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 City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council 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. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk, Erin West, (904) 297-7500, ext. 3307, at least three (3) days prior to the meeting.

The Solid Waste Service Assessments will be generally computed by multiplying the number of dwelling units on each parcel by the rate of assessment. The rate of assessment for the upcoming fiscal year and future fiscal years shall be \$228.00 for each dwelling unit. Copies of the updated assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the City Clerk, located at City Hall, 321 Walnut Street, Green Cove Springs, Florida.

The Solid Waste Service Assessments will be collected on the ad valorem tax bill to be mailed in November 2021, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessment 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 City at (904) 297-7500, Monday through Thursday between 7:00 a.m. and 5:30 p.m.



City of Green Cove Springs

Erin West, City Clerk
321 Walnut Street
Green Cove Springs, FL 32043

Steve Kennedy, City Manager

APPENDIX B
FORM OF NOTICE TO BE MAILED

FORM OF NOTICE TO BE MAILED

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

**City of Green Cove Springs
321 Walnut Street
Green Cove Springs, Florida 32043-3441**

**CITY OF GREEN COVE SPRINGS, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF SOLID WASTE SERVICE
NON-AD VALOREM ASSESSMENTS
NOTICE DATE: AUGUST 17, 2021**

**Owner Name
Address
City, State Zip**

Tax Parcel # _____

As required by Section 197.3632, Florida Statutes, notice is given by the City of Green Cove Springs (the "City"), that an annual assessment for solid waste and recyclable materials collection services, facilities, and programs using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2021 – September 30, 2022 and future fiscal years. The purpose of this assessment is to fund solid waste and recyclable materials collection services, facilities, and programs benefiting residential property located within the Magnolia West assessment area of the City. The total annual solid waste assessment revenue to be collected within the City, is estimated to be \$119,700.00. The annual solid waste service assessment is based on the number of residential dwelling units contained on each parcel of property. The rate of assessment for the upcoming fiscal year shall be \$228.00 for each dwelling unit.

The total number of residential dwelling units on the above parcel is _____.

The maximum solid waste service assessment for the above parcel is \$_____ for Fiscal Year 2021-22 and future fiscal years.

A public hearing will be held at 7:00 p.m. on September 7, 2021, in the City Council Chambers, City Hall, 321 Walnut Street, Green Cove Springs, 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 City Council within 20 days of this notice. If you decide to appeal any decision made by the City Council 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 City Clerk, Erin West, at least three (3) days prior to the meeting.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council 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 Master Service Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, the Preliminary Rate Resolution, and the updated assessment roll are available for inspection at the City Clerk's office, 321 Walnut Street, Green Cove Springs, Florida.

Both the solid waste service non-ad valorem assessment 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 2021. Failure to pay the assessment 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 service assessment, please contact the City at (904) 297-7500, Monday through Thursday between 7:00 a.m. and 5:30 p.m.

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