

RESOLUTION NO. R-17-2024

A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS WITHIN THE MAGNOLIA WEST ASSESSMENT AREA IN THE CITY OF GREEN COVE SPRINGS, FLORIDA; PROVIDING FINDINGS, AUTHORITY, DEFINITIONS AND INTERPRETATION; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY LOCATED THE MAGNOLIA WEST ASSESSMENT AREA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024; APPROVING THE UPDATED SOLID WASTE ASSESSMENT ROLL AND PROVIDING FOR COLLECTION; CONFIRMING THE PRELIMINARY RATE RESOLUTION; PROVIDING FOR EFFECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Green Cove Springs, Florida (the "City"), has enacted Chapter 78, Article VII of the Green Cove Springs Code of Ordinances (the "Code"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection services, facilities and programs against certain Residential Property within the City; and

WHEREAS, the City Council has enacted Chapter 66 of the City of Green Cove Springs Code of Ordinances (the "Solid Waste Ordinance"), which implements equitable fees and charges for the provision of Solid Waste and Recyclable Materials collection services, facilities, and programs; and

WHEREAS, the imposition of an annual Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection services, facilities and programs for each Fiscal Year is an equitable and efficient method of allocating and apportioning the Solid Waste Cost among parcels of Residential Property; and

WHEREAS, the City Council desires to reimpose an assessment for Solid Waste and Recyclable Materials collection services, facilities and programs within the Magnolia West Assessment Area using the tax bill collection method for the Fiscal Year beginning on October 1, 2024; and

WHEREAS, on July 16, 2024, the Council adopted Resolution No. R-10-2024 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid Waste and Recyclable Materials collection services, facilities and programs to be provided to Residential Property, describing the method of apportioning the Solid Waste Cost to compute the Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection services, facilities and programs against Residential Property, designating a rate of assessment, and directing preparation of the Solid Waste Assessment Roll and provision of the notice required by the Code; and

WHEREAS, to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2024, the Code requires the City Council to adopt an Annual Rate Resolution, which

confirms or repeals the Preliminary Rate Resolution with such amendments as the City Council deems appropriate, establishes the rate of assessment, and approves the Solid Waste Assessment Roll for the upcoming Fiscal Year after hearing comments and objections of all interested parties; and

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

WHEREAS, notice of a public hearing has been published and, if required by the terms of the Code, mailed to each Owner of Residential Property proposed to be assessed notifying such Owners of their opportunity to be heard; an affidavit regarding the form of notice mailed to each Owner of Residential Property being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 3, 2024, and comments and objections of all interested persons have been heard and considered as required by the terms of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRING, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. AUTHORITY. This resolution is adopted pursuant to Chapter 78, Article VII of the Green Cove Springs Code of Ordinances (the "Code"); Chapter 66 of the Green Cove Springs Code of Ordinances (the "Solid Waste Ordinance"); Resolution No. R-09-2016, as amended (the "Initial Assessment Resolution"); Resolution No. R-14-2016 (the "Final Assessment Resolution"); Resolution No. R-10-2024 (the "Preliminary Rate Resolution"); Article VIII, Section 2(b), Florida Constitution; the City of Green Cove Springs Charter; sections 166.021 and 166.041, Florida Statutes; and other applicable provisions of law.

SECTION 3. DEFINITIONS AND INTERPRETATION.

(A) This resolution constitutes the Annual Rate Resolution as defined in the Code for the reimposition of Solid Waste Service Assessments.

(B) All capitalized terms in this resolution shall have the meanings defined in the Code, the Solid Waste Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate 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 4. REIMPOSITION OF SOLID WASTE SERVICE ASSESSMENTS.

(A) The Tax Parcels of Residential Property included in the Solid Waste Assessment Roll are hereby found to be specially benefited by the provision of Solid Waste and Recyclable Materials collection services, facilities and programs described in the Preliminary Rate Resolution in the amount of the Solid Waste Service Assessment set forth in the updated Solid Waste Assessment Roll, a copy of which was present at the above referenced public hearing through electronic media and is incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Residential Property 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 for such parcel, computed in the manner set forth in the Preliminary Rate Resolution.

(C) Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Code, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution, from the Solid Waste and Recyclable Materials collection services, facilities and programs to be provided and a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among the Residential Properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(D) The method for computing Solid Waste Service Assessments described in the Preliminary Rate Resolution is hereby approved.

(E) For the Fiscal Year beginning October 1, 2024, the Solid Waste Cost of \$138,285.00 shall be allocated among all parcels of Residential Property within the Magnolia West Assessment Area, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. An annual rate of assessment equal to \$263.40 is hereby approved for each Dwelling Unit for the Fiscal Year beginning October 1, 2024.

(F) Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities and programs in the amounts included in the Solid Waste Assessment Roll are hereby levied and imposed on all parcels of Residential Property in the Magnolia West Assessment Area.

(G) Any shortfall in the expected Solid Waste Service Assessment proceeds due to any reduction or exemption from payment of the Solid Waste Service Assessments required by law or authorized by the Council shall be supplemented by any legally available funds, or combination

of such funds, and shall not be paid for by proceeds or funds derived from the Solid Waste Service Assessments.

(H) The Solid Waste Service Assessments shall constitute a lien upon the Residential Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien for Solid Waste Service Assessments shall be deemed perfected upon adoption by the City Council of this Annual Rate Resolution. Upon perfection, the lien for Solid Waste Service Assessments collected under the Uniform Assessment Collection Act shall attach to the property included on the roll as of the prior January 1, the lien date for ad valorem taxes.

(I) As authorized in the Code, interim Solid Waste Service Assessments are also levied and imposed against all Residential property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

SECTION 5. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 6. APPROVAL OF SOLID WASTE ASSESSMENT ROLL AND COLLECTION.

(A) The updated Solid Waste Assessment Roll, a copy of which was present at the above referenced public hearing and is incorporated herein by reference, is hereby approved.

(B) Additionally, the Solid Waste Assessment Roll, as approved, includes those Tax Parcels of Residential Property that cannot be set forth in that Solid Waste Assessment Roll due to the provisions of Section 119.071(4), Florida Statutes, concerning exempt “home addresses.”

(C) The Solid Waste Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Code, shall be delivered to the Tax Collector for collection using the Uniform Assessment Collection Act as provided in Section 78-266 of the Code. The Solid Waste Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

(D) Any Solid Waste Service Assessments or charges imposed on Government Property shall not be included on the Stormwater Assessment Roll and shall continue to be collected pursuant to Chapter 66 of the Green Cove Springs Code.

SECTION 7. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment, the Solid Waste Assessment Roll and the levy and lien of the Solid Waste Service Assessments for Solid Waste

and Recyclable Materials collection and disposal services, facilities or programs) unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

SECTION 8. EFFECTIVE DATE. This Annual Rate Resolution shall take effect immediately upon its passage and adoption.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 3RD DAY OF SEPTEMBER, 2024.

CITY OF GREEN COVE SPRINGS, FLORIDA

Steven R. Kelley, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

L. J. Arnold, III, City Attorney

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Steve Kennedy, who, after being duly sworn, deposes and says:

1. Steve Kennedy as City Manager of the City of Green Cove Springs, Florida ("City"), pursuant to the authority and direction received from the City Council, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Chapter 78, Article VII of the Green Cove Springs Code of Ordinances (the "Ordinance") and in conformance with Resolution No. R-10-2024 (the "Preliminary Rate Resolution").

2. Mr. Kennedy has caused the notices required by the Ordinance to be prepared in conformance with the Preliminary Rate Resolution. An exemplary form of such notice is attached hereto. He has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before August 13, 2024, Mr. Kennedy directed the mailing of the above-referenced notices in accordance with Section 78-206 of the Ordinance and the Preliminary Rate Resolution by First Class mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Clay County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.

Steve Kennedy, affiant

STATE OF FLORIDA
COUNTY OF CLAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of physical presence or online notarization, this _____ day of _____, 2024 by Steve Kennedy, City Manager, City of Green Cove Springs, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
My Commission Expires: _____
Commission No.: _____

APPENDIX B
PROOF OF PUBLICATION

APPENDIX C
FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City Council or the authorized agent of the City of Green Cove Springs, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste services (the "Non-Ad Valorem Assessment Roll") for the City is 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.

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 Clay County Tax Collector by September 15, 2024.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Clay County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this ____ day of _____, 2024.

CITY OF GREEN COVE SPRINGS, FLORIDA

By: _____
Steven R. Kelley, Mayor

[to be delivered to Clay County Tax Collector prior to September 15]