

RESOLUTION NO. R-13-2023

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; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY LOCATED THE MAGNOLIA WEST ASSESSMENT AREA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; APPROVING THE RATE OF ASSESSMENT; APPROVING THE UPDATED SOLID WASTE ASSESSMENT ROLL; CONFIRMING THE PRELIMINARY RATE RESOLUTION; 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, 2023; and

WHEREAS, on July 18, 2023, the Council adopted Resolution No. R-11-2023 (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, in order to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2023, 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 5, 2023, 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-11-2023 (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.

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 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, 2023, the Solid Waste Cost of \$125,685.00 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 \$239.40 is hereby approved for each Dwelling Unit for the Fiscal Year beginning October 1, 2023.

(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.

(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 tax bill collection method in the manner prescribed by 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 5TH DAY OF SEPTEMBER, 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA

Constance W. Butler, 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-11-2023 (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 15, 2023, 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 _____, 2023 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

CLAY TODAY

PUBLISHER AFFIDAVIT

PUBLISHER AFFIDAVIT
CLAY TODAY
Published Weekly
Fleming Island, Florida

STATE OF FLORIDA
COUNTY OF CLAY:

Before the undersigned authority personally appeared Hugh Osteen, who on oath says that he is the publisher of the "Clay Today" a newspaper published weekly at Fleming Island in Clay County, Florida; that the attached copy of advertisement
Being a Notice of Hearing

In the matter of Collection of Solid Waste September 5,
2023

LEGAL: 79259

Was published in said newspaper in the issues:

8/10/2023

Affiant Further says that said "Clay Today" is a newspaper published at Fleming Island, in said Clay County, Florida, and that the said newspaper Has heretofore been continuously published in said Clay County, Florida, Weekly, and has been entered as Periodical material matter at the post Office in Orange Park, in said Clay County, Florida, for period of one year next proceeding the first publication of the attached copy of advertisement; and affiant further says that he 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 the said newspaper.

Hugh Osteen

Sworn to me and subscribed before me 08/10/2023

Christie Lou Wayne



NOTARY PUBLIC, STATE OF FLORIDA

3513 US HWY 17 Fleming Island FL 32003
Telephone (904) 264-3200
FAX (904) 264-3285
E-Mail: legal@claytodayonline.com
Christie Wayne christie@osteenmediagroup.com

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, 2023 – September 30, 2024 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 5, 2023, 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) business 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 \$239.40 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 2023, 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
L. Steve Kennedy, City Manager

Legal 79259 published August 10, 2023 in Clay County's Clay Today Newspaper.

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, 2023.

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 _____, 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA

By: _____
Constance W. Butler, Mayor

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