
LEVY COUNTY, FLORIDA

**ANNUAL RATE RESOLUTION
FOR SOLID WASTE DISPOSAL
RESOLUTION NO. 2023-45**

ADOPTED SEPTEMBER 12, 2023

TABLE OF CONTENTS

		<u>Page</u>
SECTION 1.	AUTHORITY.....	3
SECTION 2.	DEFINITIONS AND INTERPRETATION.	3
SECTION 3.	REIMPOSITION OF SOLID WASTE SERVICE ASSESSMENTS...3	
SECTION 4.	CONFIRMATION OF PRELIMINARY RATE RESOLUTION.	6
SECTION 5.	EFFECT OF ADOPTION OF RESOLUTION.....	6
SECTION 6.	EFFECTIVE DATE.	6
APPENDICES:		
APPENDIX A:	AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS.....	A-1
APPENDIX B:	PROOF OF PUBLICATION.....	B-1
APPENDIX C:	CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL.....	C-1

RESOLUTION NO. 2023-45

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, RELATING TO THE DISPOSAL OF SOLID WASTE AND RECOVERED MATERIALS IN THE UNINCORPORATED AND ALL INCORPORATED AREAS OF LEVY COUNTY, FLORIDA; CONFIRMING THE PRELIMINARY RATE RESOLUTION; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY LOCATED WITHIN LEVY COUNTY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Levy County, Florida, has enacted Ordinance No. 2004-03, as codified in Article I, Chapter 78 of the Levy County Code of Ordinances (the "Ordinance"), which authorizes the imposition of Solid Waste Service Assessments against certain Residential Property for disposal of Solid Waste and Recovered Materials in the unincorporated and all incorporated areas of Levy County; and

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

WHEREAS, the Board desires to reimpose a Solid Waste Service Assessment to fund Solid Waste and Recovered Materials disposal services, facilities, and programs, using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2023; and

WHEREAS, on June 26, 2023, the Board adopted Resolution No. 2023-27 (the "Preliminary Rate Resolution"), containing and referencing a brief and general description of the Solid Waste and Recovered Materials disposal 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, designating a rate of assessment, and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, in order to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2023, the Ordinance requires the Board to adopt an Annual Rate Resolution which confirms or repeals the Preliminary Rate Resolution with such amendments as the Board deems appropriate, establishes the rates of assessment, and approves the Assessment Roll for the upcoming Fiscal Year after hearing comments and objections of all interested parties; and

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

WHEREAS, notice of a public hearing has been published and, if required by the terms of the Ordinance, mailed to each property owner proposed to be assessed notifying such property owner of the Owner's opportunity to be heard, an affidavit regarding the form of notice mailing to each property owner 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 12, 2023, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, as follows:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Ordinance; the Amended and Restated Initial Assessment Resolution (Resolution No. 2018-045); the Amended and Restated Final Assessment Resolution (Resolution No. 2018-056); the Preliminary Rate Resolution (Resolution No. 2023-27); Article VIII, Section 1, Florida Constitution; Chapter 125, Florida Statutes; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION.

(A) This Resolution constitutes the Annual Rate Resolution as defined in the Ordinance.

(B) All capitalized terms in this Resolution shall have the meanings defined in the Ordinance, the Amended and Restated Initial Assessment Resolution, the Amended and Restated 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 3. REIMPOSITION OF SOLID WASTE SERVICE ASSESSMENTS.

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

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

(B) It is hereby ascertained, determined and declared that each parcel of Residential Property within the County will be benefited by the County's provision of Solid Waste and Recovered Materials disposal 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 Ordinance and the Preliminary Rate Resolution from the Solid Waste and Recovered Materials disposal services, facilities, and programs to be provided and a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among all Tax Parcels that receive the special benefit as set forth in the Preliminary Rate Resolution.

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

(E) For the Fiscal Year beginning October 1, 2023, the Solid Waste Cost of \$2,444,120.00 shall be allocated among all parcels of Residential Property within the County based upon each parcel's classification as Residential Property and the number of Dwelling Units for such parcels. A rate of assessment equal to \$116.00 for each

Dwelling Unit for Solid Waste and Recovered Materials disposal, services, facilities, and programs is hereby approved for the Fiscal Year beginning October 1, 2023.

(F) Solid Waste Service Assessments for Solid Waste and Recovered Materials disposal services, facilities, and programs in the amounts set forth in the updated Assessment Roll are hereby levied and imposed on all parcels of Residential Property included in the Solid Waste Assessment Roll for the Fiscal Year beginning October 1, 2023.

(G) As authorized in Section 78-19 of the Ordinance, 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 Final Assessment Resolution based upon the rates of assessment approved herein.

(H) 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.

(I) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance.

(H) The 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.

SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 5. 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 determination of special benefit and fair apportionment to the Residential Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll, and the levy and lien of the Solid Waste Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of this Final Assessment Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2023.

**BOARD OF COUNTY COMMISSIONERS OF
LEVY COUNTY, FLORIDA**

(SEAL)

By: _____
Matt Brooks, Chairman

ATTEST:

By: _____
Danny J. Shipp, County Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Nicolle M. Shalley, County Attorney

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

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

1. Wilbur Dean, as County Coordinator of Levy County, Florida (the "County"), pursuant to the authority and direction received from the Board of County Commissioners, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Master Service Assessment Ordinance No. 2004-03, as codified in Article I, Chapter 78 of the Levy County Code of Ordinances (the "Assessment Ordinance"), and in conformance with Resolution No. 2023-27, the Preliminary Rate Resolution for Solid Waste Disposal (the "Preliminary Rate Resolution").

2. In accordance with the Assessment Ordinance and the Preliminary Rate Resolution, Mr. Dean timely provided all necessary information for notification of the Solid Waste Service Assessment to the Property Appraiser of Levy County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: 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 County 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

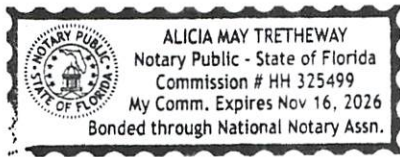
appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

FURTHER AFFIANT SAYETH NOT.

W. F. Dean
Wilbur Dean, affiant

STATE OF FLORIDA
COUNTY OF LEVY

The foregoing Affidavit of Mailing was sworn to before me, by means of physical presence or online notarization, this 5th day of September, 2023 by Wilbur Dean, County Administrator, Levy County, Florida. He is personally known to me or has produced _____ as identification and did take an oath.



Alicia May Tretheway
Printed Name: Alicia May Tretheway
Notary Public, State of Florida
At Large
My Commission Expires: November 16, 2026
Commission No.: HH 325499

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 Chairman of the Board of County Commissioners, or authorized agent of Levy County, Florida (the "County"); 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 County 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 Levy County Tax Collector by September 15, 2023.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Levy County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this _____ day of _____, 2023.

LEVY COUNTY, FLORIDA

By: _____
Matt Brooks, Chairman

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