

RESOLUTION NO. 2019/2020_____

CLAY COUNTY, FLORIDA

**2019 ANNUAL ASSESSMENT RESOLUTION
FOR SOLID WASTE COLLECTION SERVICES**

ADOPTED AUGUST 27, 2019

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RESOLUTION NO. 2019/2020-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, RELATING TO THE COLLECTION OF SOLID WASTE AND RECOVERED MATERIALS IN THE UNINCORPORATED AREAS OF CLAY COUNTY, FLORIDA AND IN SUBSTANTIALLY ALL OF THE INCORPORATED AREA OF THE CITY OF KEYSTONE HEIGHTS, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; REIMPOSING SOLID WASTE COLLECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE COLLECTION BENEFIT UNIT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the “Board”) of Clay County, Florida (the “County”), has enacted Ordinance No. 2006-53 (the “Ordinance”), which authorizes the imposition of annual Solid Waste Collection Assessments for Solid Waste and Recovered Materials collection services, facilities and programs against certain Assessed Property within the Clay County Municipal Service Benefit Unit for Solid Waste Collection Services (the “Collection Benefit Unit”); and,

WHEREAS, Ordinance No. 2006-53 has been codified in the Clay County Code under Article V of Chapter 10 thereof (the “Code”); and,

WHEREAS, the City of Keystone Heights, Florida in accord with Sec. 10-140 of the Code adopted its ordinance 2016-566 which evidenced its consent to and request for substantially all of the incorporated area of the City of Keystone Heights, Florida, to be included into the Collection Benefit Unit;

WHEREAS, the reimposition of a Solid Waste Collection Assessment for Solid Waste and Recovered Materials collection services, facilities and programs for each Fiscal Year is an equitable and efficient method of allocating and apportioning the Solid Waste Collection Cost among parcels of Assessed Property; and,

WHEREAS, the County has complied with the procedural provisions of section 197.3632, Florida Statutes, to use the tax bill for collection of the Solid Waste Collection Assessments; and,

WHEREAS, the Board desires to reimpose a solid waste collection program in the Collection Benefit Unit using the procedures provided in the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2019; and,

WHEREAS, pursuant to the Ordinance, the Board is required to adopt an Annual Rate Resolution establishing the rate of assessment to be imposed in the upcoming Fiscal Year and approving the Assessment Roll for such Fiscal Year with such adjustments as the Board deems just and right, after hearing comments and objections of all interested parties; and,

WHEREAS, the Solid Waste Collection 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, as required by the terms of the Ordinance, 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 August 27, 2019, 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 CLAY COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the Ordinance, as codified in Chapter 10, Article V of the Code; Resolution No. 06/07-06 (the “Initial Assessment Resolution”); Resolution No. 06/07-14 (the “Final Assessment Resolution”); Article VIII, Florida Constitution; sections 125.01 and 125.66, Florida Statutes; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Annual Rate Resolution as defined in the Code. All capitalized terms in this resolution shall have the meanings defined in the Code, the Initial Assessment Resolution, and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The legislative determinations of special benefit and fair apportionment embodied in the Code, the Initial Assessment Resolution and the Final Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 4. SOLID WASTE COLLECTION SERVICES. Upon the reimposition of Solid Waste Collection Assessments for Solid Waste and Recovered Materials collection services against Assessed Property located within the Collection Benefit Unit, the County shall cause Solid Waste and Recovered Materials collection services to be provided to such Assessed Property commencing October 1, 2019. The Solid Waste Collection Cost shall be paid from proceeds of the Solid Waste Collection Assessments.

SECTION 5. REIMPOSITION OF SOLID WASTE COLLECTION ASSESSMENTS.

(A) The parcels of Assessed Property described in the Solid Waste Collection Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of Solid Waste and Recovered Materials collection services, facilities and programs described in the Initial Assessment Resolution in the amount of the Solid Waste Collection Assessment set forth in the Solid Waste Collection Assessment Roll, a copy of which was present at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Collection Benefit Unit will be benefited by the County's provision of Solid Waste and Recovered Materials collection services, facilities and programs in an amount not less than the Solid Waste Collection Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution. 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 and the Final Assessment Resolution from the Solid Waste and Recovered Materials collection services, facilities and programs to be provided and a legislative determination that the Solid Waste Collection Assessments are fairly and reasonably apportioned among the Residential Properties that receive the special benefit as set forth in the Initial Assessment Resolution.

(B) The method for computing Solid Waste Collection Assessments described in the Initial Assessment Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2019, the Solid Waste Collection Cost of \$10,269,796.68 shall be allocated among all parcels of Assessed Property, based upon each

parcel's classification as Residential Property and the number of Dwelling Units for such parcel. An annual rate of assessment equal to \$154.44 for each Dwelling Unit is hereby approved for the Fiscal Year commencing October 1, 2019. Solid Waste Collection Assessments for Solid Waste and Recovered Materials collection services, facilities and programs in the amounts set forth in the Solid Waste Collection Assessment Roll, that is herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Solid Waste Collection Assessment Roll for the Fiscal Year commencing October 1, 2019.

(D) The maximum assessment rate of \$161.00 per Dwelling Unit, which can be, but is not required to be, assessed on benefited property in future fiscal years without additional notice to the Owners, is hereby approved.

(E) Any shortfall in the expected Solid Waste Collection Assessment proceeds due to any reduction or exemption from payment of the Solid Waste Collection Assessments required by law or authorized by the Board 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 Collection Assessments.

(F) As authorized in Sec. 10-139 of the Code, interim Solid Waste Collection 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 annual rate of assessment approved herein.

(G) Such Solid Waste Collection Assessments shall constitute a lien upon the Assessed 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.

(H) The Solid Waste Collection Assessment Roll, as herein approved, 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 Collection 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 6. 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 Collection Assessment Roll and the levy and lien of the Solid Waste Collection Assessments for Solid Waste and Recovered Materials collection services, facilities and programs) unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of adoption of this Final Assessment Resolution.

SECTION 7. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the other provisions of this resolution.

SECTION 8. EFFECTIVE DATE. This resolution shall take effect immediately upon its passage and adoption.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this
27th day of August, 2019.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____
Mike Cella, its Chairman

ATTEST:

Howard Wanamaker
County Manager and Clerk of the
Board of County Commissioners

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

**AFFIDAVIT OF MAILING
(COLLECTION)**

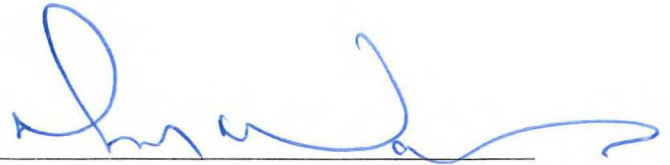
BEFORE ME, the undersigned authority, personally appeared Howard Wanamaker and Tania Jolley, who, after being duly sworn, depose and say:

1. Howard Wanamaker, as County Manager of Clay County, Florida (the "County"), pursuant to the authority and direction received from the Board of County Commissioners thereof, timely directed the preparation of the Solid Waste Collection Assessment Roll and the preparation, mailing, and publication of notices in accordance with and under the authority of Ordinance No. 2006-53 known as the Solid Waste Collection Assessment Ordinance adopted by the Board on October 10, 2006.

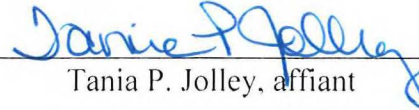
2. Tania P. Jolley is the Public Information and Assessment Coordinator for the County's Department of Environmental Services ("Department"). The Department has caused the notices required by Sections 10-131 of the Code to be prepared in conformance with the Initial Assessment Resolution. A copy of the form of such notice is attached hereto. The Department 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 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.

3. On or before August 2, 2019, the Department mailed or caused to be mailed first class and postage pre-paid the above-referenced notices.

FURTHER AFFIANTS SAY:ETH NAUGHT.



Howard Wanamaker, affiant



Tania P. Jolley, affiant

STATE OF FLORIDA
COUNTY OF CLAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 15 day of August, 2019, by Howard Wanamaker, County Manager, Clay County, Florida. He is personally known to me or has produced _____ as identification and did take an oath.



NORMA L. LUNSFORD
Commission # GG 187705
Expires March 29, 2022
Bonded Thru Budget Notary Services



Printed Name: Norma L Lunsford

Notary Public, State of Florida

At Large

My Commission Expires: 3/29/2022

Commission No.: GG 187705

STATE OF FLORIDA
COUNTY OF CLAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 15 day of August, 2019, by Tania P. Jolley, Public Information and Assessment Coordinator for the Department of Environmental Services of Clay County, Florida. She is personally known to me or has produced _____ as identification and did take an oath.



NORMAL LUNSFORD
Commission # GG 187705
Expires March 29, 2022
Bonded Thru Budget Notary Services

Normal Lunsford
Printed Name: Norma L Lunsford
Notary Public, State of Florida
At Large
My Commission Expires: 3/29/2022
Commission No.: GG 187705

Ordinances/solid waste (collection and disposal)/swca-msbu/2019/2019 Affidavit of Mailing-Collection Assessment

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

CLAY COUNTY, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF SOLID WASTE
COLLECTION NON-AD VALOREM ASSESSMENTS
AND OF SOLID WASTE DISPOSAL NON-AD
VALOREM ASSESSMENTS
NOTICE DATE: July 25, 2019

Clay County
P. O. Box 1366
Green Cove Springs, FL 32043

Tax Parcel #: [REDACTED]

[REDACTED]

Physical Address: [REDACTED]
Legal: [REDACTED]

As required by Section 197.3632, Florida Statutes (the "Statute"), Clay County, Florida (the "County"), gives notice that an annual assessment for solid waste and recovered materials collection services (the "Collection Assessment") using the Statute's tax bill collection method may be levied on your property for the County's fiscal year commencing October 1, 2019 (the "2019 Fiscal Year"). The purpose of the Collection Assessment is to fund solid waste and recovered materials collection services benefiting residential property located within the County's unincorporated area (the "Unincorporated Area") and within the incorporated area of the City of Keystone Heights. The total annual Collection Assessment revenue to be collected within the County is estimated to be \$10,269,796.68 for the 2019 Fiscal Year.

As required by the Statute, notice is also given by the County that an annual assessment for solid waste disposal services and facilities (the "Disposal Assessment") using the tax bill collection method, may be levied on your property for the 2019 Fiscal Year. The purpose of the Disposal Assessment is to fund solid waste disposal services and facilities benefiting residential property located within the Unincorporated Area, within the city limits of Green Cove Springs and the town limits of Orange Park, and the incorporated area of Keystone Heights. The total annual Disposal Assessment revenue to be collected within the County is estimated to be \$5,181,624.00 for the 2019 Fiscal Year.

The annual Collection Assessment and the annual Disposal Assessment are each based on the number of residential dwelling units contained on each parcel of property.

The total number of residential dwelling units on the above parcel is 1.

For the 2019 Fiscal Year, the Collection Assessment for the above parcel is \$154.44, and the Disposal Assessment for said parcel is \$72.00.

A public hearing will be held before the County's Board of County Commissioners at 4:00 p.m. or as soon thereafter as can be heard on August 27, 2019 in the Board's meeting room on the 4th floor of the Clay County Administration Building, 477 Houston 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 Board within 20 days of this notice. If you decide to appeal any decision made by the Board 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 Clay County ADA Coordinator by mail at Post Office Box 1366, Green Cove Springs, Florida 32043, or by telephone at number (904) 269-6376, at least three (3) days prior to the date of the hearing. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).

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

Copies of the assessment ordinances, the Initial Assessment Resolutions, the Annual Rate Resolutions, and the updated assessment rolls for both the Collection Assessment and the Disposal Assessment are available for inspection at the office of the County Manager, located at the Clay County Administration Building, 477 Houston Street, Green Cove Springs, Florida.

The assessment amounts shown on this notice for the above parcel will be collected on the ad valorem tax bill mailed in November 2019. The Statute requires the County to notify you that your failure to pay either or both of these assessments will cause a tax certificate to be issued against your property in accordance with the provisions of Florida law, which may result in a loss of title. Any mistake on this notice will be corrected. For questions regarding either assessment, please contact the County's Environmental Services Department at (904) 284-6374, Monday through Friday between 8:30 a.m. and 4:30 p.m.

APPENDIX B
PROOF OF PUBLICATION

PUBLISHER AFFIDAVIT

CLAY TODAY
Published Weekly
Orange Park, Florida

STATE OF FLORIDA
COUNTY OF CLAY:

Before the undersigned authority personally appeared Jon Cantrell, who on oath says that he is the publisher of the "Clay Today" a newspaper published weekly at Orange Park in Clay County, Florida; that the attached copy of advertisement Being

LEGAL NOTICE

in the matter of

NOTICE OF HEARING – SOLID WASTE COLLECTION

Legal 44487

Order 245849

was published in said newspaper in the issues

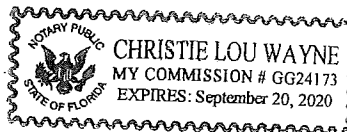
JULY 25, 2019

Affiant further says that said "Clay Today" is a newspaper published at Orange Park, 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.



Sworn to me and subscribed
before me this 25TH day of JULY, 2019


NOTARY PUBLIC, STATE OF FLORIDA



3513 US HWY 17 Suite A Fleming Island FL 32003
Telephone (904) 264-3200 - FAX (904) 264-3285
E-Mail: Christie@opcfla.com

Notice of Hearing Provide For Solid Waste Collectio

NOTICE IS HEREBY GIVEN that the Board of County Con hearing to consider the imposition of special assessment within the Clay County Solid Waste Municipal Benefit Uni and substantially all of the incorporated area of Keystone materials collection services, facilities and programs to su assessments on the annual ad valorem tax bill. Failure to property by tax deed sale. A public hearing to receive co the imposition and collection of the Solid Waste Collectio thereafter as can be heard, on August 27, 2019 in the Boa 477 Houston Street, Clay County Administration Building, ers have a right to appear at the hearing and to file writte Actions taken by the Board at the public hearing shall be the method of apportionments, the rate of assessment ar be initiated in a court of competent jurisdiction to secure the hearing. Any person wishing to appeal any decision c need a record and may wish to ensure that a verbatim rec

The assessment will be computed by multiplying the nun of dwelling units on each parcel by the rate of assessment rate of assessment for the fiscal year beginning October 1, and ending September 30, 2020 shall be \$154.44. When a cable, the assessments will include an amount equivalent payment delinquency for the prior year's Solid Waste Colle Assessment. Copies of the Assessment Roll showing the a of the assessments imposed against each parcel of proper the legal documentation relating to the assessments are a able for inspection at the office of the County Manager, lo on the fourth floor of the Clay County Administration Builc 477 Houston Street, Green Cove Springs, FL 32043 betwee the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday accordance with the Americans With Disabilities Act, any p needing a special accommodation to participate in this m; should contact the Clay County ADA Coordinator, by mail, Office Box 1366, Green Cove Springs, FL 32043, or by telep; at (904)284/269-6347, no later than three (3) days prior to t hearing or proceeding for which this notice has been giv; telephone number by contacting the Florida Relay Service

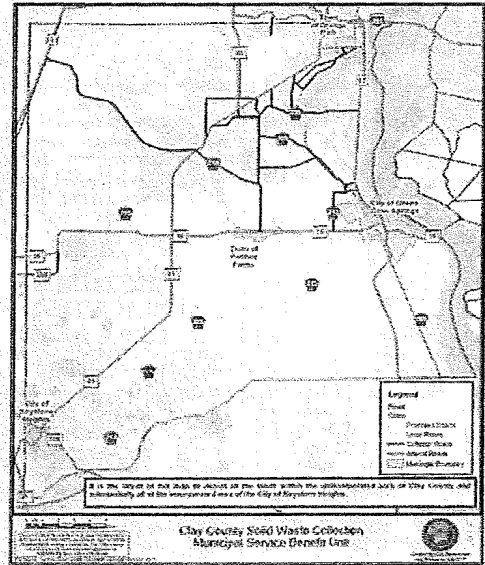
If you have any questions, please contact the Clay County I telephone numbers: 284/269-6374, 473-3711 or 533-2111.

Legal No. 44486 published July 25, 2019

Notice of Hearing to Impose And Provide For Collection of Solid Waste Collection Special Assessments

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Clay County, Florida will conduct a public hearing to consider the imposition of special assessments against certain improved residential properties located within the Clay County Solid Waste Municipal Benefit Unit, which serves the unincorporated area of Clay County and substantially all of the incorporated area of Keystone Heights, to fund the costs of solid waste and recovered materials collection services, facilities and programs to such properties and to authorize the collection of such assessments on the annual ad valorem tax bill. Failure to pay the assessments may result in the loss of title to such property by tax deed sale. A public hearing to receive comments from affected property owners and to authorize the imposition and collection of the Solid Waste Collection Special Assessments will be held at 4:00 p.m., or as soon thereafter as can be heard, on August 27, 2019 in the Board of County Commissioners Meeting Room, fourth floor, 477 Houston Street, Clay County Administration Building, Green Cove Springs, FL 32043. All affected property owners have a right to appear at the hearing and to file written objections with the Board within 20 days of this notice. Actions taken by the Board at the public hearing shall be the final adjudication of the issues presented, including the method of apportionments, the rate of assessment and the imposition of assessments, unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Board action at the hearing. Any person wishing to appeal any decision of the Board with respect to any matter considered will need a record and may wish to ensure that a verbatim record is made.

The assessment will be computed by multiplying the number of dwelling units on each parcel by the rate of assessment. The rate of assessment for the fiscal year beginning October 1, 2019 and ending September 30, 2020 shall be \$154.44. When applicable, the assessments will include an amount equivalent to the payment delinquency for the prior year's Solid Waste Collection Assessment. Copies of the Assessment Roll showing the amount of the assessments imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the County Manager, located on the fourth floor of the Clay County Administration Building, 477 Houston Street, Green Cove Springs, FL 32043 between the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday. In accordance with the Americans With Disabilities Act, any person needing a special accommodation to participate in this matter should contact the Clay County ADA Coordinator, by mail, at Post Office Box 1366, Green Cove Springs, FL 32043, or by telephone at (904)284/269-6347, no later than three (3) days prior to the hearing or proceeding for which this notice has been given. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice), or 1-800-955-8771 (TDD).



If you have any questions, please contact the Clay County Environmental Services Department at the following telephone numbers: 284/269-6374, 473-3711 or 533-2111.

Legal No. 44486 published July 25, 2019 in Clay County's Clay Today newspaper.

ISTIE LOU WAYNE
COMMISSION # GG24173
RES: September 20, 2020

L 32003
4-3285

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 Clay County, Florida, (the "County"); as such I have a satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste collection (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 Clay County Tax Collector by September 15, 2019.

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 _____, 2019.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____
Mike Cella, Its Chairman