

**BEFORE THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

RESOLUTION NUMBER 19-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE; RATIFYING CREATION OF THE SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT; IMPOSING ASSESSMENTS AGAINST CERTAIN RESIDENTIAL PROPERTY WITHIN THE SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT; APPROVING THE ASSESSMENT ROLL FOR THE SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; PROVIDING FOR COLLECTION OF THE ASSESSMENTS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 30, 2019, the Board of County Commissioners (the "Board") of Martin County, Florida (the "County") adopted Resolution No. 19-7.7 (the "Initial Assessment Resolution"), ratifying and confirming the creation of the Solid Waste Municipal Service Benefit Unit and describing the method of assessing the Collection Cost and Disposal Cost of the Residential Services (as such terms are defined in the Initial Assessment Resolution) against the real property that will be specially benefited thereby, and directing the preparation of the preliminary Assessment Roll and provision of the notices required by applicable law; and

WHEREAS, the Board is required by Chapter 151 of the Martin County Code to confirm or repeal the Initial Assessment Resolution, with such amendments as the Board deems appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has heretofore been filed with the office of the County Administrator, as required by Chapter 151 of the Martin County Code; and

WHEREAS, notice of a public hearing has been published and mailed to each real property owner proposed to be assessed, notifying such real property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing has been duly held and comments and objections of all interested persons have been heard and considered.

NOW, THEREFORE, BE IT RESOLVED BY BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Chapter 125, Florida Statutes, Chapter 151 of the Martin County Code and other applicable provisions of law.

SECTION 2. DEFINITIONS. All capitalized terms in this resolution shall have the meanings defined in the Initial Assessment Resolution.

SECTION 3. ASSESSMENTS.

(A) Single Family Dwelling Units located in the Solid Waste Municipal Service Benefit Unit are hereby found to be specially benefited by the provision of Residential Services. The computation of the Assessment for each Single Family Dwelling Unit set forth in Appendix D hereto is hereby approved. An Assessment of \$314.37 is hereby levied and imposed against each Tax Parcel containing a Single Family Dwelling Unit located in the Solid Waste Municipal Service Benefit Unit.

(B) The Assessments imposed hereby shall constitute a lien 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 the ad valorem tax bill for such year is otherwise paid in full pursuant to the Uniform Assessment Collection Act. The lien for Assessments shall be deemed perfected upon adoption by the Board of this Final Assessment Resolution. Upon perfection, the lien for Assessments collected under the Uniform Assessment Collection Act shall attach to the Tax Parcels assessed hereunder as of the prior January 1, the lien date for ad valorem taxes.

SECTION 4. CONFIRMATION OF INITIAL RESOLUTION. The Initial Assessment Resolution is hereby ratified and confirmed.

SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Assessment Roll prepared by direction of the County Administrator, which is currently on file and open to public inspection in the office of the County Utilities Department (as designated by the County Administrator) and incorporated herein by reference, is hereby approved.

SECTION 6. COLLECTION OF ASSESSMENTS. The Assessments imposed hereby shall be collected pursuant to the Uniform Assessment Collection Act. The County Administrator is hereby authorized and directed to certify and deliver or cause the certification and delivery of the Assessment Roll to the Tax Collector, in the manner prescribed by Section 197.3632, Florida Statutes. 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 7. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the apportionment methodology, the legislative determinations of special benefit and fair apportionment, the rate of assessment, the adoption of the Assessment Roll and the levy and lien of Board action on the Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

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

DULY ADOPTED this 27th day of August, 2019.

**BOARD OF COUNTY COMMISSIONERS
OF MARTIN COUNTY, FLORIDA**

(SEAL)

By: _____
Edward V. Ciampi, Chairman

ATTEST:

By: _____
Carolyn Timmann, Clerk of the
Circuit Court and Comptroller

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Sarah Woods, County Attorney

APPENDIX A

PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF MARTIN

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

1. I, Maria Gorniewicz , have been designated by the County Administrator of Martin County, Florida, to mail the notices required by Section 2.03 of Resolution No. 19-7.7, adopted by the Board of County Commissioners of Martin County, Florida, on July 30, 2019.

2. On or before August 7th, 2019, I mailed, or directed the mailing of, a notice in accordance with Section 2.03 of Resolution No. 19-7.7, adopted by the Board of County Commissioners of Martin County, on July 30, 2019, by first class mail, to the owner of each single family unit located within the Solid Waste Municipal Service Benefit Unit in conformance with the requirements of the applicable law at the address shown on the real property assessment tax roll maintained by the Martin County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.

Maria Gorniewicz 8-2-19

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by Maria Gorniewicz , who is personally known to me or who has produced _____ as identification and did (did not) take an oath.

WITNESS, my hand and official seal this 2nd day of August , 2019.



Cynthia Barber
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG127634
Expires 7/24/2021

Cindy Barber
Signature of person taking acknowledgment

Cindy Barber
Name of acknowledger (printed)

My commission expires: 07/24/2021

APPENDIX C

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

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

I, THE UNDERSIGNED, HEREBY CERTIFY that, I am the County Administrator of Martin County, Florida (the "County"); as such I have satisfied myself that all real property included or includable on the non-ad valorem assessment roll for the Solid Waste Municipal Service Benefit Unit (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 attachment of the same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Martin County Tax Collector by September 15, 2019.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Martin County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 27th day of August, 2019.

MARTIN COUNTY, FLORIDA

By: _____
Taryn Kryzda, County Administrator

[to be delivered to Tax Collector immediately upon adoption]

APPENDIX D

SOLID WASTE MSBU ASSESSMENT COMPUTATION

**COMPUTATION OF ANNUAL ASSESSMENT
SOLID WASTE MSBU**

COLLECTION COST (12 Months)	<u>Data</u>	<u>Amount</u>
Monthly Rate per Household	\$ 16.08	
TOTAL ANNUAL COLLECTION COST		\$ 192.96
DISPOSAL COST (12 Months)	<u>Data</u>	<u>Amount</u>
Residential Waste - Landfill		
Number of Tons per Household	1.18	
Disposal Rate per Ton	<u>\$ 60.00</u>	
Subtotal	\$ 70.80	
Residential Yard Trash		
Number of Tons per Household	0.68	
Disposal Rate per Ton	<u>\$ 26.00</u>	
Subtotal	\$ 17.68	
Hazardous Waste	\$ 6.45	
Residential Construction and Demolition		
Number of Tons per Household	0.13	
Disposal Rate per Ton	<u>\$ 42.00</u>	
Subtotal	\$ 5.46	
TOTAL ANNUAL DISPOSAL COST		\$ 100.39
ADMINISTRATIVE COST AND DISCOUNT	<u>Data</u>	<u>Amount</u>
County Administrative Cost		
Total Administration Cost	\$102,500	
Total Number of Households	<u>47,418</u>	
Administration Cost per Household	\$ 2.16	
Early Payment Discount (4%) and Tax Collector Fee (2%)	\$ 18.86	
TOTAL ANNUAL ADMINISTRATIVE COST		\$ 21.02
TOTAL ANNUAL ASSESSMENT		\$314.37