

RESOLUTION NO. 18-2524

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission (the "Commission") of the Town of Surfside, Florida (the "Town"), has enacted Ordinance No. 2018-1687 (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste management services, including collection, disposal and recycling services, facilities or programs against certain Assessed Property within the Town; and

WHEREAS, a Solid Waste Service Assessment is being imposed upon all Residential Property consisting of four (4) Dwelling Units or less within the Town for Solid Waste management services and programs, including collection, disposal and recycling; and

WHEREAS, the imposition of a Solid Waste Service Assessment for Solid Waste collection, disposal and recycling services, facilities and programs is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property located in the Town; and

WHEREAS, the Commission desires to initiate and reimpose an annual Solid Waste collection, disposal and recycling assessment program within the Town, using the tax bill collection method for the Fiscal Year beginning on October 1, 2018; and

WHEREAS, the Commission desires to include within the Solid Waste Service Assessments any amounts which are past due and delinquent from Solid Waste collection, disposal and recycling services provided to certain Residential Property during the period from October 1, 2017 through September 30, 2018, as these properties have specifically benefitted from the provision of these services, facilities and programs.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 2018 - 1687, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Initial Assessment Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Initial Assessment Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

“Delinquency Period” - means that period from October 1, 2017 through September 30, 2018.

“DOR Code” - means a property use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to Tax Parcels within the Town.

“Improvement Codes” - mean the property use codes assigned by the Property Appraiser to Tax Parcels within the Town.

“Tax Parcel” - means a parcel of property located within the Town to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

SECTION 3. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. It is hereby ascertained and declared that the Solid Waste Costs provide a special benefit to the Assessed Property based upon the following legislative determinations:

(A) Upon the adoption of this Initial Assessment Resolution identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Section 1.04 of the Ordinance are hereby ratified and confirmed.

(B) Those Residential Properties which have failed to pay the cost of Solid Waste services and facilities during the Delinquency Period have received a special benefit from the provision of these Solid Waste services and facilities. This special benefit received by these properties exceeds the amount due for the cost of providing such Solid Waste services and facilities during the Delinquency Period. The Town has been required to fund these delinquent or past due amounts from other revenue sources to the detriment of the Town residents. The inclusion of these delinquencies and past due amounts as part of the Solid Waste Service Assessment is a fair and equitable means to require that each Residential Property pays its fair share of the costs of the special benefit derived by such property.

(C) It is fair and reasonable to use the Improvement Codes and DOR Codes to apportion the Solid Waste Cost among parcels of Residential Property located within the Town because: (1) the Tax Roll database employing the use of such property Use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and number of Dwelling Units for Improved Property within the Town, and (2) the Tax Roll database is maintained by the Property Appraiser and is consistent with the coding of parcel designations on

the Tax Roll which compatibility permits the development of an Assessment Roll in conformity with the requirements of the Uniform Assessment Collection Act.

(D) The size or value of Residential Property does not determine the scope and cost of Solid Waste management services to be provided to such property. The Use of Solid Waste management services, facilities, and the provision of the services by the Town driven by the existence of a Dwelling Unit and the average occupant population

(E) Apportioning the Solid Waste Costs for Solid Waste management services provided to Residential Property within the Town on a per Dwelling Unit basis is compatible with the Solid Waste Costs incurred by the Town to provide the services and the use of the Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Solid Waste Costs.

SECTION 4. SOLID WASTE COLLECTION AND DISPOSAL SERVICES.

(A) Upon the imposition of Solid Waste Service Assessments for Solid Waste management services against Assessed Property located within the Town, the Town shall cause Solid Waste management to be provided to such Assessed Property. Solid Waste Costs shall be paid from proceeds of the Solid Waste Service Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Town's provision of Solid Waste management services, including collection, disposal and recycling services, facilities and programs in an amount not less than the Solid Waste Service Assessment upon such parcel, including any delinquencies or past due amounts for the prior provision of Solid Waste services and facilities provided to each Dwelling Unit during the Delinquency Period, computed in the manner set forth in this Initial Assessment Resolution.

SECTION 5. DETERMINATION OF SOLID WASTE COST; ESTABLISHMENT OF INITIAL SOLID WASTE SERVICE ASSESSMENTS.

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year commencing October 1, 2018 is \$ 318.67. The approval of this Initial Assessment Resolution determines the amount of the Solid Waste Cost. The remainder of such Fiscal Year budget for Solid Waste services and facilities shall be funded from available Town revenue other than Solid Waste Service Assessments.

(B) For the Fiscal Year in which Solid Waste Service Assessments for Solid Waste management services, facilities and programs are imposed, the Solid Waste Cost shall be allocated among all parcels of Assessed Property, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. Only those parcels assigned an Improvement Code of "R" by the Property Appraiser on the Tax Roll, and consisting of parcels with four (4) Dwelling Units or less, shall be classified as Assessed Property. A rate of assessment equal to \$318.67 for each Dwelling Unit for Solid Waste management services, plus any delinquency or past due amounts attributable to each Dwelling Unit for Solid Waste services and facilities provided during the Delinquency Period, is hereby approved for Fiscal Year 2018-2019.

(C) The rate of the Solid Waste Service Assessments established in this Initial Assessment Resolution, plus any delinquencies or past due amounts attributable to each Dwelling Unit for solid waste services and facilities incurred during the Delinquency Period, shall be the rates applied by the Town Manager in the preparation of the initial Assessment Roll for the Fiscal Year commencing October 1, 2018, as provided in Section 6 of this Initial Assessment Resolution.

SECTION 6. ASSESSMENT ROLL.

(A) The Town Manager is hereby directed to prepare, or cause to be prepared, an initial Assessment Roll for the Fiscal Year beginning October 1, 2018, in the manner provided in the Ordinance. Such initial Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Town conforming to the description contained on the Tax Roll, (2) the name and address of the owner of record of each parcel as shown on the Tax Roll, and (3) the amount of the initial Solid Waste Service Assessment for Solid Waste management services, plus any delinquency or past due amounts attributable to each Dwelling Unit for Solid Waste services and facilities provided during the Delinquency Period. The initial Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the initial Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer terminal available to the public. Such Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel and adding any unpaid or delinquent fees, charges, or assessments incurred during the Delinquency Period and due the Town for Solid Waste management services provided to such parcel.

(B) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste management services (1) is a fair and reasonable method of apportioning the Solid Waste Cost among parcels of Assessed Property and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Solid Waste collection and disposal services, facilities, and programs which are allocable to specific parcels of Assessed Property.

SECTION 7. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 7:00 p.m. on September 12, 2018, at 9293 Harding Avenue, Surfside, Florida 33154, for the purpose of (A) receiving and considering any comments on the Solid Waste Service Assessments from affected property owners and (B) authorizing the imposition of such Solid Waste Service Assessments for Solid Waste management services on the same bill as ad valorem taxes.

SECTION 8. NOTICE BY PUBLICATION. The Town Manager shall publish a notice, as required by Section 2.04 of the Ordinance, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than August 20, 2018 in a newspaper generally circulated in Miami-Dade County.

SECTION 9. NOTICE BY MAIL. The Town Manager shall provide notice by first class mail to the Owner of each parcel of Assessed Property, as required by Section 2.05 of the Ordinance, in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than August 20, 2018.

SECTION 10. EFFECTIVE DATE. This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 24th day of July, 2018.

Motion by Commissioner Karukin.

Second by Vice Mayor Gielchinsky.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Daniel Gielchinsky
Mayor Daniel Dietch

Absent
yes
yes
yes
yes



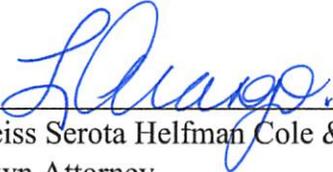
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC,
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

APPENDIX A
FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 20, 2018

**NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR
COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS**

Notice is hereby given that the Town Commission of the Town of Surfside, Florida will conduct a public hearing to consider imposing solid waste special assessments against certain improved residential properties located within the incorporated area of the Town to fund the cost of solid waste management services, including collection, disposal and recycling services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

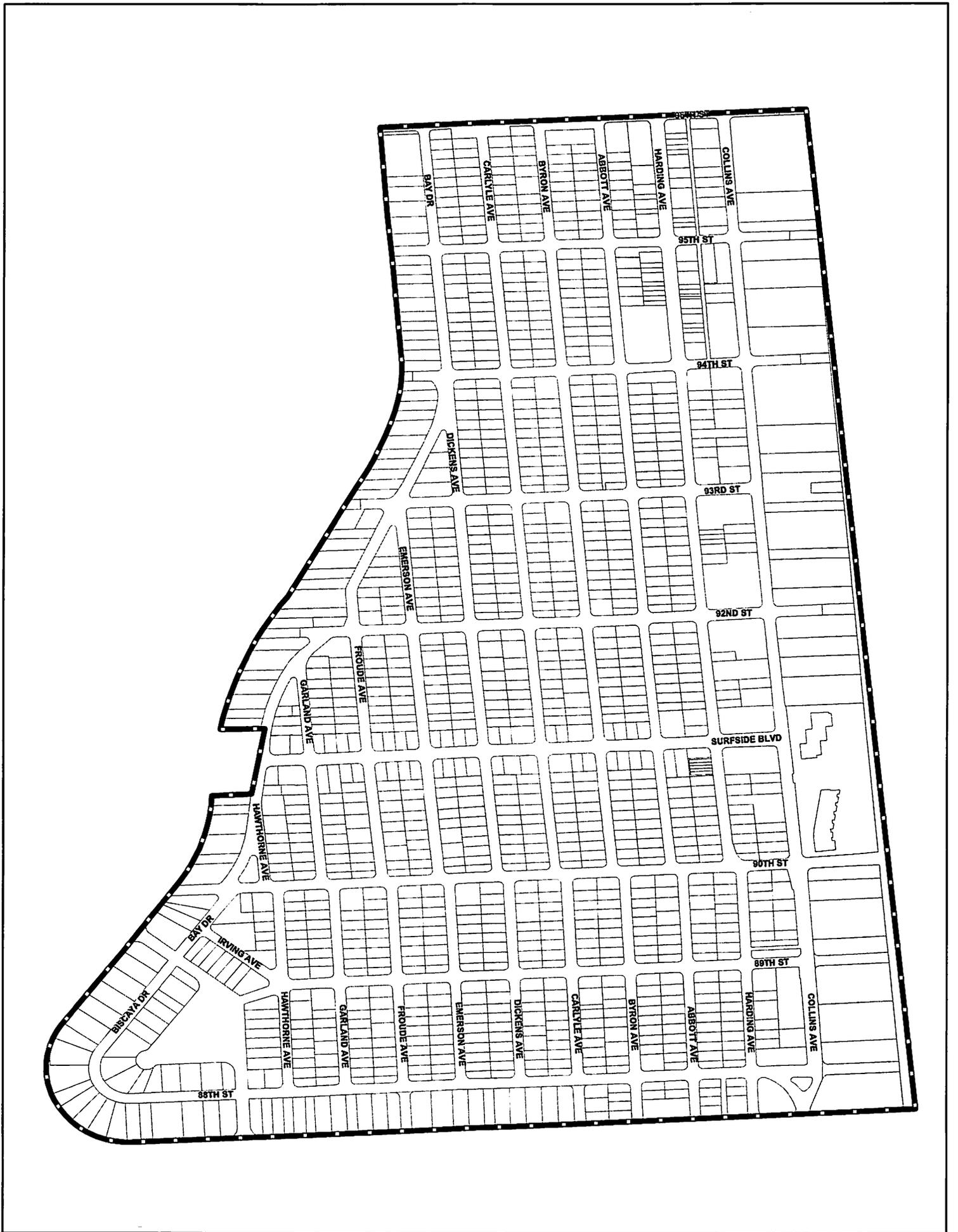
The hearing will be held at 7:00 p.m. on September 12, 2018, at 9293 Harding Avenue, Surfside, Florida 33154, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Commission within 20 days of this notice. If a person decides to appeal any decision made by the Town Commission 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 Town at (305) 861-4863, at least seven days prior to the date of the hearing.

The assessments will be computed by multiplying the number of dwelling units on each parcel by the rate of assessment plus any unpaid or delinquent charges for solid waste services incurred between October 1, 2017 and September 30, 2018. The rate of assessment for the upcoming fiscal year shall be \$318.67. Copies of the 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 Town Clerk, located at 9293 Harding Avenue, Surfside, Florida 33154.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2018, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Town Finance Department at (305) 861-4863 Monday through Friday between 9:00 a.m. and 5:00 p.m. or visit the Town's website at <https://www.townofsursidefl.gov/solid-waste-assessment> for further information.

**TOWN CLERK
TOWN OF SURFSIDE, FLORIDA**



APPENDIX B

FORM OF NOTICE TO BE MAILED

*******PLEASE SEE TOWN CLERK TO VIEW
ATTACHMENT**

APPENDIX B

FORM OF NOTICE TO BE MAILED

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

Town of Surfside, Florida
9293 Harding Avenue
Surfside, Florida 33154

TOWN OF SURFSIDE, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR THE COLLECTION OF NON- AD
VALOREM ASSESSMENTS FOR SOLID WASTE
MANAGEMENT SERVICES, INCLUDING
COLLECTION, DISPOSAL AND RECYCLING
SERVICES

NOTICE DATE: AUGUST 20, 2018

Owner Name
Address and
City, State Zip

Tax Parcel No.
Legal Description:

As required by Section 197.3632, Florida Statutes, notice is given by the Town of Surfside, Florida (the "Town"), that an annual assessment for solid waste services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2018 - September 30, 2019.

The purpose of this assessment is to fund the costs of solid waste management services benefiting residential property consisting of four (4) Dwelling Units or less located within the Town, including collection, disposal and recycling services. The assessment revenue to be collected within the Town, is estimated to be \$364,877.15. The annual solid waste service assessment is based on the number of residential Dwelling Units contained on each parcel of property plus any unpaid or delinquent charges for solid waste services.

The total number of residential Dwelling Units on the above parcel is ____.

The solid waste service assessment for the-above parcel is \$ 318.67.

The delinquent solid waste charge for the above parcel is \$ ____.

A public hearing will be held at 7:00 p.m, on September 12, 2018, at 9293 Harding Avenue, Surfside, Florida 33154 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 Town Commission within 20 days of this notice. If you decide to appeal any decision made by the Town Commission 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 Town at (305) 861-4863, at least seven days prior to the date of the hearing.

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

Copies of the Solid Waste Service Assessment Ordinance, the Initial Assessment Resolution and the preliminary assessment roll are available for inspection at the Town Clerk's office located at 9293 Harding Avenue, Surfside, Florida 33154.

Both the solid waste service non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November 2018. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your solid waste service assessment, please contact the Town Finance Department at (305) 993-1099, Monday through Friday between 9:00 a.m. and 5:00 p.m., or visit the Town's website at <https://www.townofsursidefl.gov/solid-waste-assessment> for further information.

****THIS IS NOT A BILL*******