

RESOLUTION NO. 19-2621

A RESOLUTION OF THE TOWN COMMISSION 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; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED RESIDENTIAL PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission (the "Commission") of 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, against certain residential Assessed Property within the Town;

WHEREAS, the imposition of a Solid Waste Service Assessment for Solid Waste management services, including collection, disposal and recycling services, for each Fiscal Year is an equitable and efficient method of allocating and apportioning the Solid Waste Cost among parcels of Assessed Property;

WHEREAS, the Commission desires to reimpose an assessment program for Solid Waste management services, including collection, disposal and recycling services or programs, within the Town using the tax bill collection method for the Fiscal Year beginning on October 1, 2019;

WHEREAS, the Commission, on July 9, 2019, adopted Resolution No. 2019-2603 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid Waste management services, including collection, disposal and recycling services, to be provided to Assessed Property, describing the method of apportioning the Solid Waste Cost to compute the Solid Waste Service Assessment for Solid Waste management

services, including collection, disposal and recycling services or programs against Residential Property, designating a rate of assessment, and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, in order to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2019, the Ordinance requires the Town to adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Year, with such amendments as the Commission deems appropriate, after hearing comments and objections of all interested parties;

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

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 (if any and as required by Florida law) 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 10, 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 TOWN COMMISSION OF TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY This Resolution is adopted pursuant to the provisions of the Solid Waste Management Services Assessment Ordinance (Ordination No. 2018-1687), the Initial Assessment Resolution (Resolution No. 2018-2524), the Final

Assessment Resolution (Resolution No. 2018-2534), Sections 166.021 and 166.041, Florida Statutes; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION This Resolution constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution and the Preliminary Rate Resolution.

SECTION 3. REIMPOSITION OF SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of Solid Waste management services, including collection, disposal and recycling services, 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. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Town will be benefited by the Town's provision of Solid Waste management services, including collection, disposal and recycling services or 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. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution, from the Solid Waste management services, including collection, disposal and recycling services, 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.

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

(C) For the Fiscal Year beginning October 1, 2019, the Solid Waste Cost has been revised since the adoption of the Preliminary Rate Resolution to \$350,000.00 and 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. An annual rate of assessment equal to \$318.67 for solid waste collection, disposal and recycling services is hereby imposed for each Dwelling Unit. Solid Waste Service Assessments for Solid Waste management services, including collection, disposal and recycling services, in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Assessment Roll.

(D) For future fiscal years, as authorized in Section 2.08 of the Ordinance, a maximum assessment rate of \$400.00 per Dwelling Unit for solid waste management services, including collection, disposal and recycling services, is hereby approved. This amount can be imposed in future fiscal years without additional notice, but is not required to be imposed.

(E) 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 Town 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.

(F) Such Solid Waste Service 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. The lien for Solid Waste Service Assessments shall be deemed perfected upon adoption by the Town Commission 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.

(G) The 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 Ordinance. 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 method of apportionment, the rate of assessment, the Assessment Roll and the levy and lien of the Solid Waste Service Assessments for Solid Waste 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 6. EFFECTIVE DATE This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 10TH day of September, 2019.

Motion by: Commissioner Karukin
Second by Vice Mayor Gielchinsky.

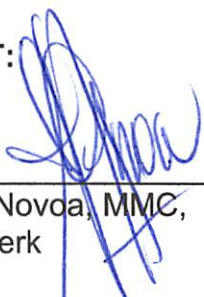
FINAL VOTE ON ADOPTION

Commissioner Barry Cohen	<u>Absent</u>
Commissioner Michael Karukin	<u>Yes</u>
Commissioner Tina Paul	<u>Absent</u>
Vice Mayor Daniel Gielchinsky	<u>Yes</u>
Mayor Daniel Dietch	<u>Yes</u>



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

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Guillermo Olmedillo, who, after being duly sworn, depose and say:

1. Guillermo Olmedillo, as Town Manager of Town of Surfside, Florida (the "Town"), pursuant to the authority and direction received from the Town Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices (if any as required by Florida Law) in accordance with the Solid Waste Service Assessment Ordinance No. 2018-1687 adopted by the Town Commission (the "Assessment Ordinance") and in conformance with the Preliminary Rate Resolution No. 2019-2603 adopted by the Town Commission on July 9, 2019 (the "Preliminary Rate Resolution").

2. The Town's Finance Director, Jason Greene, has caused the any notices required by the Assessment Ordinance (if any and as required by Florida Law) to be prepared in conformance with the Preliminary Rate Resolution. An exemplary form of such notice is attached hereto. Jason Greene, Finance Director, 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 Town 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 20, 2019, delivered and directed the mailing of the above-referenced notices in accordance with the Assessment 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 Miami-Dade County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.

Guillermo Olmedillo, affiant

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2019 by Guillermo Olmedillo, Town Manager, Town of Surfside, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2019 by Jason Greene, as Finance Director, Town of Surfside, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

**APPENDIX B
PROOF OF PUBLICATION**

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared
GUILLERMO GARCIA, who on oath says that he or she is the
DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily
Business Review f/k/a Miami Review, a daily (except
Saturday, Sunday and Legal Holidays) newspaper,
published at Miami in Miami-Dade County, Florida; that the
attached copy of advertisement, being a Legal Advertisement
of Notice in the matter of

TOWN OF SURFSIDE - NOTICE OF HEARING TO REIMPOSE
AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE
SPECIALASSESSMENTS - SEP. 10, 2019

SEE ATTACHED

in the XXXX Court,
was published in said newspaper in the issues of

08/02/2019

Affiant further says that the said Miami Daily Business
Review is a newspaper published at Miami, in said Miami-Dade
County, Florida and that the said newspaper has heretofore
been continuously published in said Miami-Dade County, Florida
each day (except Saturday, Sunday and Legal Holidays) and
has been entered as second class mail matter at the post
office in Miami in said Miami-Dade County, Florida, for a period
of one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or she
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.

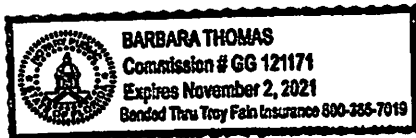
Guillermo Garcia

Sworn to and subscribed before me this
2 day of AUGUST, A.D. 2019

Barbara Thomas

(SEAL)

GUILLERMO GARCIA personally known to me





**TOWN OF SURFSIDE
NOTICE OF HEARING TO REIMPOSE 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 reimposing solid waste service assessments for the Fiscal Year beginning October 1, 2019, against certain improved residential properties located within the incorporated area of the Town, to fund the cost of solid waste collection, disposal and recycling services provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 7:00 p.m. on September 10, 2019, at Town of Surfside Town Hall, Commission Chambers, 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 calendar days of the date 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 Clerk at (305) 861-4863, Ext. 226, at least 7 days prior to the date of the hearing.

The total annual solid waste assessment revenue to be collected within the Town of Surfside for the upcoming fiscal year is estimated to be \$310,606.70. The rate of assessment for the upcoming fiscal year shall be \$318.67 per Dwelling Unit. The maximum rate of assessment that can be imposed in the fiscal year commencing October 1, 2019 and future fiscal years shall be \$400.00 per Dwelling Unit. Copies of the Solid Waste Management Services Assessment Ordinance (Ordinance No. 2018-1687), the Initial Assessment Resolution (Resolution No. 2018-2524), the Final Assessment Resolution (Resolution No. 2018-2534), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Solid Waste Service Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the Town Clerk's office, located at 9293 Harding Avenue, Surfside, Florida 33154.

If you have any questions, please contact the Town at (305) 861-4863, Ext. 226, Monday through Friday between 8:00 a.m. and 5:00 p.m.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2019, 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.

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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 Town of Surfside, Florida or the authorized agent of Town of Surfside, Florida (the "Town"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste management services (the "Non-Ad Valorem Assessment Roll") for the Town 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 Miami-Dade County Tax Collector by September 15, 2019.

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

TOWN OF SURFSIDE, FLORIDA

By: _____
Daniel Dietch, Mayor

[to be delivered to Tax Collector prior to September 15, 2019]