
WAKULLA COUNTY, FLORIDA

**INITIAL ASSESSMENT RESOLUTION
SOLID WASTE**

ADOPTED JUNE 21, 2010

TABLE OF CONTENTS

	Page
SECTION 1.	AUTHORITY.1
SECTION 2.	PURPOSE AND DEFINITIONS.....1
SECTION 3.	LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.....5
SECTION 4.	SOLID WASTE COLLECTION AND DISPOSAL SERVICES.....8
SECTION 5.	DETERMINATION OF SOLID WASTE COST; ESTABLISHMENT OF INITIAL SOLID WASTE SERVICE ASSESSMENTS.9
SECTION 6.	SOLID WASTE ASSESSMENT ROLL.9
SECTION 7.	AUTHORIZATION OF PUBLIC HEARING.....10
SECTION 8.	NOTICE BY PUBLICATION.....10
SECTION 9.	NOTICE BY MAIL.11
SECTION 10.	EFFECTIVE DATE.....11
APPENDIX A.	FORM OF NOTICE TO BE PUBLISHED. A-1
APPENDIX B	FORM OF NOTICE TO BE MAILED.....B-1

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, RELATING TO THE DISPOSAL OF SOLID WASTE IN ALL INCORPORATED AND UNINCORPORATED AREAS OF WAKULLA COUNTY, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED RESIDENTIAL PROPERTY LOCATED IN THE COUNTY; 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 AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Master Service Assessment Ordinance, Ordinance No. 2010-04 (the "Ordinance"), Article VIII, Section (6)(e), Florida Constitution, sections 125.01 and 166.021, Florida Statutes, the Wakulla County Home Rule Charter, 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:

"Biomedical Waste" means any Solid Waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts, laboratory and veterinary waste which contains human disease-causing agents, used disposable sharps, human blood, and human blood products and body fluids, and other materials which represent a significant risk of infection to persons outside of the generating facility.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a Building.

"Bulk Trash" means any non-vegetative large items of various types which cannot be cut for placement in a garbage container. Bulk Trash shall not include White Goods, automobiles and automotive components, internal combustion engines or Construction Debris. Bulk Trash shall include carpeting of any diameter if folded, tied and rolled or bundled and cut in lengths of six (6) feet or less.

"Construction and Demolition Debris" means discarded materials generally not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, or roofing material, pipe, gypsum wallboard, and lumber. Construction and Demolition Debris shall include materials from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, stumps, and other vegetative matter which normally results from land clearing or land development operations for a construction or home improvement project.

"Dwelling Unit" means a Building, or a portion thereof, which is lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family unit only.

"Garbage" means every accumulation of animal, vegetable, or other matter that attends the preparation, consumption, decay, dealing in, or storage of, meats, fish, fowl, birds, fruit or vegetables, or other putrescible matter, including animal feces, and also including cans, containers or wrappers along with the materials.

"Hazardous Waste" means Solid Waste, or a combination of Solid Wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed.

"Improved Property" means all property in the County on which a Building or other improvements have been placed or constructed, which improvements result in such property generating Solid Waste or being capable of generating Solid Waste.

"Prohibited Waste" means any Hazardous Waste, Biomedical Waste, Construction and Demolition Debris, or Special Waste.

"Recovered Materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse.

"Residential Property" means all Improved Property that contains a Dwelling Unit.

"Rubbish" means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulations of materials, other than garbage, which are usual to household keeping and to the operation of stores, offices and other business places, and also bottles, cans or containers.

"Solid Waste" includes Garbage, Yard Trash, Trash, Rubbish, or other discarded material usual to housekeeping and generated solely by residents in the ordinary course of residential occupancy of a Dwelling Unit, excluding automobile bodies and parts, and shall exclude Prohibited Waste.

"Solid Waste Assessment Roll" means the Assessment Roll as defined in the Ordinance relating to the Solid Waste Service Assessments.

"Solid Waste Service Assessment" means a Service Assessment, as defined in the Ordinance, lawfully imposed by the County against Assessed Property to fund all or any portion of the cost of the provision of Solid Waste management and disposal services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

"Solid Waste Cost" means the Service Cost, as defined in the Ordinance, which is the amount necessary to fund the County's management and disposal of Solid Waste and the recycling activities of Recovered Materials that are allocable to Assessed Property during a Fiscal Year and shall include, but not be limited to: (A) the cost, whether direct or indirect, of all services, programs or facilities provided by the County, or through contractual arrangements with the County relating to Solid Waste management and disposal activities; (B) the cost of any indemnity or surety bonds and premiums for insurance; (C) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (D) the cost of computer services, data processing, and communications; (E) the cost of training, travel and per diem; (F) the recovery of unpaid or delinquent fees or charges advanced by the County and due for Solid Waste management and disposal services, programs or facilities allocable to specific parcels; (G) the cost of engineering, financial, legal or other professional services; (H) all costs associated with the structure, implementation, collection, and

enforcement of the Solid Waste Service Assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the Tax Collector or Property Appraiser; (I) all other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the Solid Waste Service Assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the Board; (J) a reasonable amount for contingency and anticipated delinquencies and uncollectible Solid Waste Service Assessments; and (K) reimbursement to the County or any other Person for any monies advanced for any costs incurred by the County or such Person in connection with any of the foregoing items of Solid Waste Cost.

"Special Waste" means Solid Waste that requires special handling and management, including, but not limited to, asbestos, whole tires, used tires, and Biomedical Wastes. Special Waste shall also include any quantities of used oil, lead-acid batteries, White Goods, Bulk Trash, and Yard Trash that exceed an amount expected to be produced by residents in the ordinary course of residential occupancy of a Dwelling Unit.

"White Goods" means discarded refrigerators, washing machines, dryers, ranges, water heaters, freezers, air conditioning units, and other similar large appliances.

"Yard Trash" means vegetative matter resulting from normal yard and landscaping maintenance or land clearing operations and shall include materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

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

General

(A) Upon the adoption of this Initial Assessment Resolution determining the Solid Waste Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations declared in Section 1.03 of the Ordinance are hereby ratified and confirmed.

(B) Pursuant to Section 403.706, Florida Statutes, the responsibility and power to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the County has been legislatively granted and preempted to the County.

(C) Pursuant to Chapter 62-701 of the Florida Administrative Code, the County is obligated to provide for closure, long term care, monitoring and associated services, facilities, and programs for the County landfill in accordance with all associated permits.

(D) Pursuant to Section 403.7125(3), Florida Statutes, the County is directed to establish a fee, surcharge, or other appropriate revenue-producing mechanism to ensure the availability of financial resources for the proper closure of its landfill at a rate that is sufficient to meet the state and federal landfill closure requirements.

(E) The existence of any Building or other improvement on Improved Property results in such property generating Solid Waste or being capable of generating Solid Waste.

(F) The imposition of a recurring annual Solid Waste Service Assessment is an alternative, equitable and efficient method to fairly and reasonably apportion and recover the Solid Waste Costs experienced by the County among the parcels of Residential Property.

Special Benefit

(G) Solid Waste management and disposal services, facilities, and programs furnished by the County possess a logical relationship to the use and enjoyment of Residential Property by providing: (1) Solid Waste management and disposal services, facilities, and programs to the Owners

and occupants of Residential Property for proper, safe, and cost effective disposal of Solid Waste generated on such property, (2) better service to Owners and tenants, (3) the enhancement of environmentally responsible use and enjoyment of Residential Property, and (4) the protection of property values and the health and safety of the Owners and occupants of Residential Property resulting from the uniform availability of such services, facilities, and programs.

(H) The provision of comprehensive Solid Waste management and disposal services and programs furnished by or through the County to Residential Property enhances and strengthens the relationship of such services and programs to the use and enjoyment of Residential Property within the County.

Apportionment

(I) It is fair and reasonable to use the DOR Codes to apportion the Solid Waste Cost among parcels of Assessed Property located within the County 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 Residential Property within the County, 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.

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

(K) The County's obligations to budget and provide an adequate Solid Waste disposal facility, landfill closure, monitoring and associated services, facilities, and programs are necessary to comply with state mandates, permit requirements, and existing environmental laws.

(L) Apportioning the Solid Waste Costs for Solid Waste management and disposal services provided to Residential Property within the County on a per Dwelling Unit basis is compatible with 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 MANAGEMENT AND DISPOSAL SERVICES.

(A) Upon the imposition of Solid Waste Service Assessments for Solid Waste management and disposal services, facilities, and programs against Assessed Property located within the incorporated and unincorporated areas of the County, the County shall cause the same 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 County's provision of Solid Waste management and disposal services, facilities and programs in an amount not less than the Solid Waste Service Assessment upon such parcel 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, 2010, is \$1,370,000. 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, facilities, and programs shall be funded from available County revenue other than Solid Waste Service Assessments.

(B) For the Fiscal Year in which Solid Waste Service Assessments for Solid Waste management and disposal services, facilities and programs are imposed, the Solid Waste Cost shall be allocated among all parcels of Assessed Property within the County, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. A rate of assessment equal to \$112.00 for each Dwelling Unit for Solid Waste management and disposal services is hereby approved for Fiscal Year 2010-11.

(C) The rate of the Solid Waste Service Assessments established in this Initial Assessment Resolution shall be the rates applied by the County Administrator in the preparation of the initial Assessment Roll for the Fiscal Year commencing October 1, 2010, as provided in Section 6 of this Initial Assessment Resolution.

SECTION 6. SOLID WASTE ASSESSMENT ROLL.

(A) The County Administrator is hereby directed to prepare, or cause to be prepared, an initial Solid Waste Assessment Roll for the Fiscal Year beginning October 1, 2010, in the manner provided in Section 3.03 of the Ordinance.

(B) Such initial Solid Waste Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the County 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 and disposal services.

(C) The initial Solid Waste Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the initial Solid Waste 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.

(D) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste management and disposal 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 recoup funds for Solid Waste management 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 5:00 p.m. on August 16, 2010, in the Board of County Commission Chambers, 29 Arran Road, Crawfordville, Florida, 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 and disposal and collection on the same bill as ad valorem taxes.

SECTION 8. NOTICE BY PUBLICATION. The County Administrator shall publish a notice, as required by Section 3.04 of the Ordinance, in substantially the form attached hereto as

Appendix A. Such notice shall be published not later than July 26, 2010 in a newspaper generally circulated in the County.

SECTION 9. NOTICE BY MAIL. The County Administrator shall provide notice by first class mail to the Owner of each parcel of Assessed Property, as required by Section 3.05 of the Ordinance, in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than July 26, 2010.

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

PASSED, ADOPTED AND APPROVED THIS _____ day of _____, 2010

WAKULLA COUNTY, FLORIDA

(SEAL)

Howard Kessler, Chair

ATTEST:

Brent X. Thurmond, County Clerk

APPROVED FOR FORM
AND CORRECTNESS

By: _____
Heather J. Encinosa, County Attorney

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published by July 26, 2010

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

Notice is hereby given that the Board of County Commissioners of Wakulla County, Florida will conduct a public hearing to consider imposing solid waste special assessments against certain improved residential properties located within the unincorporated and all incorporated areas of the County to fund the cost of solid waste management and disposal 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 5:00 p.m. on August 16, 2010, in the Commission Chambers, 29 Arran Road Crawfordville, Florida, 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 Board within 20 days of this notice. If a person decides to appeal any decision made by the Board 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 Executive Assistant to the County Administrator at (850) 926-0919, at least two (2) working days prior to the date of the hearing.

The assessments will be computed by multiplying the number of dwelling units on each parcel of residential property by the rate of assessment. The rate of assessment for the upcoming fiscal year shall be \$112.00 per dwelling unit. Copies of the Master Service Assessment Ordinance, the Initial Assessment Resolution for Solid Waste Services and the preliminary assessment roll, showing the amount of the assessment to be imposed against each parcel of property are available for inspection at the office of the County Administrator, 3093 Crawfordville Highway, Crawfordville, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2010, 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 office of the County Administrator at (850)926-0919, Monday through Friday between 8:30 a.m. and 5:00 p.m.

[INSERT MAP OF WAKULLA COUNTY]

WAKULLA COUNTY, FLORIDA

APPENDIX B

FORM OF NOTICE TO BE MAILED

APPENDIX B

FORM OF NOTICE TO BE MAILED

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

Wakulla County
[Address]
[Address]

<p>WAKULLA COUNTY, FLORIDA NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE NON-AD VALOREM ASSESSMENTS NOTICE DATE: JULY 26, 2010</p>
--

Owner Name
Address
City, State Zip

Tax Parcel #: _____
Legal Description: _____
Sequence #: _____

As required by section 197.3632, Florida Statutes, and the direction of the Board of County Commissioners of Wakulla County, Florida, notice is given by the County that an annual assessment for solid waste management and disposal services using the tax bill collection method may be levied on your property for the fiscal year October 1, 2010 - September 30, 2011 and future fiscal years. The use of an annual special assessment to fund solid waste management and disposal services benefiting residential property is a fair, efficient and effective means of funding these needed services.

The purpose of the solid waste assessment is to fund solid waste management and disposal services benefiting residential property located within the County. The total annual solid waste assessment revenue to be collected within the County, is estimated to be \$1,370,000. The annual solid waste service assessment is 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 _____.

The solid waste service assessment for the above parcel is \$_____ for Fiscal Year 2010-11 and future fiscal years.

A more specific description of the assessment program is included in the Initial Assessment Resolution adopted by the Board of County Commissioners on June 21, 2010.

A public hearing will be held at 5:00 p.m. on August 16, 2010, at Commission Chambers, 29 Arran Road, Crawfordville, Florida, for the purpose of receiving public comment on the proposed solid waste assessments and their collection on the tax bill. 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. Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Board with respect to any matter considered at the hearing or at any subsequent meeting to which the Board has continued its deliberations, 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 Executive Assistant to the County Administrator at (850)926-0919, at least two (2) business 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 Board 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 Master Service Assessment Ordinance (Ordinance No. 2010-04), the Initial Assessment Resolution for Solid Waste (Resolution No. _____), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the County Administrator, located at 3093 Crawfordville Highway, Crawfordville, Florida.

Both the non-ad valorem assessment amounts 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. 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 special assessments, please contact the office of the County Administrator at (850)926-0919, Monday through Friday between 8:30 a.m. and 5:00 p.m.

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