



COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 7/13/2017 Meeting Date: 7/20/2017

Name: Ben Scott Department: BCC Administration

Division Manager's Signature:

1. Nature and purpose of agenda item:

Preliminary Rate Resolution No. 2017R-25 - Solid Waste Collection and Disposal Services

2. Recommended Motion/Action:

There is no recommended motion or action.

3. Fiscal impact on current budget.

This item has no effect on the current budget.

COLUMBIA COUNTY, FLORIDA

**PRELIMINARY RATE RESOLUTION
FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES
RESOLUTION NO. 2017R-25**

ADOPTED JULY 20, 2017

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RESOLUTION NO. 2017R-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE COLUMBIA COUNTY SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSABLE PROPERTY LOCATED WITHIN THE COLUMBIA COUNTY SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Columbia County, Florida (the "Board"), has enacted Ordinance No. 96-14, as codified in Chapter 94, Article II of the Columbia County Code of Ordinances (the "Ordinance"), which authorizes the annual reimposition of annual Service Assessments for Solid Waste collection and disposal services, facilities or programs against certain Assessable Property within the County;

WHEREAS, the imposition of an annual Service Assessment for Solid Waste collection and disposal services, facilities or programs for each Fiscal Year is an equitable and efficient method of allocating and apportioning the Service Costs for Solid Waste among parcels of Assessable Property; and

WHEREAS, the Board desires to reimpose an annual Service Assessment to fund Solid Waste collection and disposal services, facilities, and programs within the Columbia County Solid Waste Municipal Service Benefit Unit, which consists of the entire unincorporated area of the County, using the tax bill collection method for the Fiscal Year beginning on October 1, 2017.

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 96-14, as codified in Chapter 94, Article II of the Columbia County Code of Ordinances (the "Ordinance"), the Initial Assessment Resolution (Resolution No. 95R-64), the Final Assessment Resolution (Resolution No. 95R-69), Article VIII, section 1, Florida Constitution, section 125.01, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS.

(A) This resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Solid Waste Assessments for the Fiscal Year beginning October 1, 2017.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, 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. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof requires otherwise:

"County Manager" means the chief administrative officer of the County or such person's designee.

"Income" means any monies or legal tender coming into the household, taxable by the federal government or not and used for the benefit of the property and/or its occupants.

"Indigent Person" means a person who is determined to be an indigent person as defined in the poverty level guidelines established by the Federal Office of Management and Budget of the United States of America. Notwithstanding the foregoing, any person whose income as adjusted for family size is not more than 110% of the applicable federal poverty guidelines shall be considered an "Indigent Person" eligible for assistance with payment of Assessments.

"Recreational Vehicle Park" means (1) a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and (2) licensed by the Department of Health of the State of Florida, or its successor in function as a "recreational vehicle park" under Chapter 513, Florida Statutes, as may be amended from time-to-time.

"Residential Property" means those Tax Parcels designated as "Residential" by the Property Appraiser, but excluding:

- 1) Those Tax Parcels that meet the definition of Recreational Vehicle Park;
- 2) Any Mobile Home park that contracts directly with a hauler for commercial collection service who provides proof of such contract to the County Manager; and
- 3) Residential Property owned by the owner of a business who contracts directly with a hauler for commercial collection service who provides proof of such contract and documentation to the County Manager that such owner does not accept solid waste service at their personal residence.

SECTION 3. PROVISION AND FUNDING OF SOLID WASTE SERVICES.

(A) Upon the imposition of Solid Waste Assessments for Solid Waste collection and disposal against Assessable Property located within the Columbia County Solid Waste Municipal Service Benefit Unit, the County shall provide or direct the provision of Solid Waste collection and disposal services to such Assessable Property.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessable Property located within the Columbia County Solid Waste Municipal Service Benefit Unit will be benefited by the County's provision of Solid Waste collection and disposal services in an amount not less than the Solid Waste Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 4. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.

(A) The legislative determinations of special benefit and fair apportionment embodied in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution are affirmed and incorporated herein by reference.

(B) The special benefits provided to individual properties from the Solid Waste services, facilities, and programs include, but are not limited to, the availability and use of collection services to properly and safely remove and transport Solid Waste generated on such property; the provision of disposal services which provide effective and environmentally sound disposal of Solid Waste generated on such property; a potential increase in the value of such property, better service to the owners and occupants of such property who receive Solid Waste collection and disposal service,

facilities, and programs, and the enhancement of the environmentally responsible use and enjoyment of such property.

(C) Government Property that is owned by federal government mortgage entities, such as the VA and HUD, due to foreclosures are not serving a governmental purpose nor providing a public benefit but are instead being held by these federal government mortgage entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Solid Waste Assessment.

SECTION 5. ESTABLISHMENT OF ANNUAL SOLID WASTE ASSESSMENT RATE AND ASSESSMENT ROLL.

(A) For the Fiscal Year beginning October 1, 2017, for which Service Assessments for Solid Waste collection and disposal services, facilities and programs are reimposed, the Service Cost shall be allocated among all parcels of Assessable Property, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. The Service Cost for Fiscal Year 2017-18 is estimated to be \$4,050,491.00. Accordingly, a rate of assessment equal to \$193.00 for each Dwelling Unit for solid waste collection and disposal services is hereby approved for Fiscal Year 2017-18. The Solid Waste Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel.

(B) The County Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year beginning October 1, 2017 in the manner provided in the Ordinance. Such updated Assessment Roll shall contain the following: (1) a summary description of all Residential Property within the Columbia County Solid Waste Municipal Service Benefit Unit 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 Service Assessment for Solid Waste collection and disposal attributable to each Dwelling Unit for Solid Waste collection and disposal services.

(C) A copy of this Preliminary Rate Resolution, the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution and the updated Assessment Roll is maintained on file in the office of the County Manager and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll be in printed form if the amount of the Solid Waste Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(D) It is hereby ascertained, determined, and declared that the foregoing method of determining the Service Assessments for Solid Waste collection and disposal services is a fair and reasonable method of apportioning the Service Cost therefore among parcels of Assessable Property.

SECTION 6. HARDSHIP ASSISTANCE.

(A) It is hereby ascertained, determined, and declared that it is in the best interest of the citizens of the County to assist Indigent Persons who are Owners of Residential Property with the financial burden created by the imposition of a Solid Waste Assessment.

(B) Accordingly, there is hereby created an economic hardship program to assist Residential Property owners who meet the definition of Indigent Persons as established herein. An owner of Residential Property who meets the definition of an Indigent Person as set forth herein shall be eligible to receive payment of a Solid Waste

Assessment by the County. Applicants for this hardship assistance shall provide written documentation satisfactory to the Tax Collector in order to qualify for such assistance. Any amounts provided for hardship assistance shall be paid by the County from funds other than those generated by the Solid Waste Assessment.

(C) The applicant shall file with the Tax Collector an application under oath demonstrating entitlement to hardship assistance as provided herein. Such application shall include the following:

- (1) The name and address of all Owners of the Residential Property;
- (2) The address and parcel identification number for the Residential Property;
- (3) Proof of total household Income from all sources and other documentation required to demonstrate qualification as an Indigent Person; and
- (4) Such other information relating to the application as may be reasonably requested.

(D) The Tax Collector, with the assistance of other members of the administrative staff of the County if requested, shall, within fifteen (15) days after the filing of such application, review the application and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required in order to determine if the applicant is qualified for hardship assistance pursuant to this Section.

(E) If the request for hardship assistance is denied, the Tax Collector shall furnish his or her written decision to such applicant by United States mail, postage prepaid, addressed to the applicant at the address stated on the application on or before the expiration of twenty (20) days following the filing of the application.

(F) Any shortfall in the expected Solid Waste Assessment proceeds due to any hardship assistance provided herein 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 Assessments. In the event a court of competent jurisdiction determines any assistance provided by the County Commission is improper or otherwise adversely affects the validity of the Solid Waste Assessment imposed for any Fiscal Year, the sole and exclusive remedy shall be the imposition of a Solid Waste Assessment upon each affected Tax Parcel in the amount of the Solid Waste Assessment that would have been otherwise imposed save for such assistance afforded to such Tax Parcel by the County Commission.

SECTION 7. REFUNDS FOR VACANT RESIDENTIAL PROPERTY.

(A) Residential property which is vacant for one full month or more during the Fiscal Year may apply for a refund of a portion of the Solid Waste Service Assessment. Any Owner seeking a refund for Residential Property which was vacant during the Fiscal Year shall file a request for adjustment with the County Manager.

(B) The request shall contain the following information: (1) the name and address of the Owner; (2) the address and property identification number of the property for which the refund is sought; (3) the period for which the property was vacant; and (4) documentation indicating that no electrical service was provided to such residential property during the period of vacancy or, in the alternative, such evidence as would indicate in the sole discretion of the County Manager or his designee that such property was vacant.

(C) The County Manager or his designee shall review the request and refund to the Owner one-twelfth (1/12) of the amount of the Solid Waste Service Assessment

for each full month during which the property was vacant. Such determination shall be made prior to thirty days following the submission of the request.

SECTION 8. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 5:30 p.m. on September 7, 2017, in the School Board Administration Complex Auditorium, 372 West Duval Street, Lake City, Florida, for the purpose of (A) receiving and considering any comments on the Service Assessments from affected property owners and (B) authorizing the reimposition of such Service Assessments for Solid Waste collection and disposal for the Fiscal Year beginning October 1, 2017 and collecting such assessments on the same bill as ad valorem taxes.

SECTION 9. NOTICE BY PUBLICATION. The County Manager shall publish a notice of the public hearing authorized in Section 8 of this Preliminary Rate Resolution, in the manner and time required in Section 94-64 of the Ordinance, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than August 17, 2017, in a newspaper generally circulated in Columbia County.

SECTION 10. NOTICE BY MAIL. In the event circumstances described in Section 94-68 of the Ordinance so require, the County Manager shall provide notice by first class mail to the Owner of each parcel of Assessable Property in the manner and time required in Section 94-65 of the Ordinance. Such notice shall be in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than August 17, 2017.

SECTION 11. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 20th day of July, 2017.

**BOARD OF COUNTY COMMISSIONERS,
COLUMBIA COUNTY, FLORIDA**

(SEAL)

By: _____
Chairman

ATTEST:

Clerk

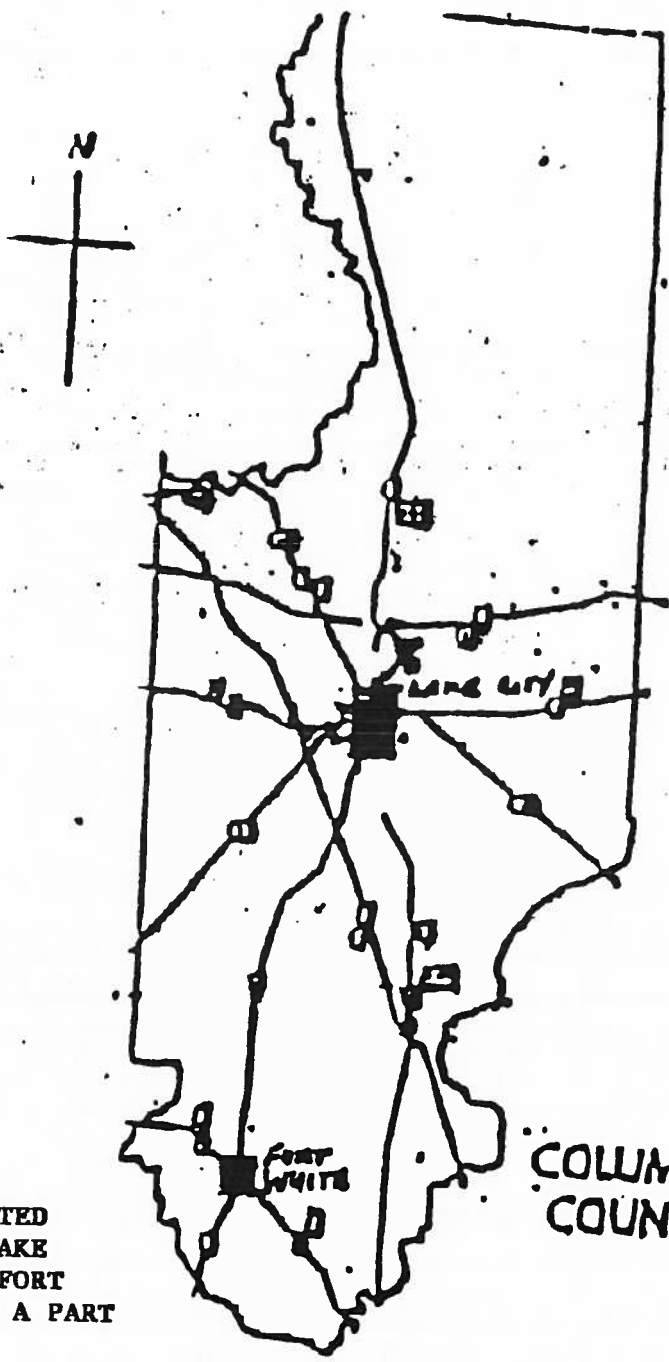
APPROVED FOR FORM
AND CORRECTNESS

By: _____
County Attorney

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

5/11/72 10:51 PM



INCORPORATED
AREA OF LAKE
CITY AND FORT
WHITE NOT A PART

COLUMBIA
COUNTY

BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, FLORIDA

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 17, 2017

[INSERT MAP OF COLUMBIA COUNTY]

NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SPECIAL ASSESSMENTS

The form and content of this notice is required by state law. Notice is hereby given that the Board of County Commissioners of Columbia County, Florida, will conduct a public hearing to consider the continued imposition of solid waste assessments for the Fiscal Year beginning October 1, 2017, and for future fiscal years against certain improved residential properties located within the Columbia County Solid Waste Municipal Service Benefit Unit which includes the unincorporated area of the County, to fund the cost of solid waste collection and disposal services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 5:30 p.m. on September 7, 2017, in the School Board Administration Complex Auditorium, 372 West Duval Street, Lake City, 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 calendar days of the date 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 County at (386)758-1005 or Telecommunications Device for the Deaf at (386) 758-2139, at least two (2) days prior to the date of the hearing.

The proposed rate of assessment for the upcoming fiscal year is \$193.00 per dwelling unit. The total annual solid waste assessment revenue to be collected within the Columbia County Solid Waste Municipal Service Benefit Unit is estimated to be \$4,050,491.00 for the Fiscal Year beginning on October 1, 2017. Copies of the Master Service Assessment Ordinance (Ordinance No. 94-17), the Initial Assessment Resolution (Resolution No. 95R-64), the Final Assessment Resolution (Resolution No. 95R-69), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Solid Waste Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the County Manager's office, located at 135 NE Hernando Avenue, Lake City, Florida, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2017, 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 Columbia County Tax Collector at (386) 758-1080, Monday through Friday between 8:00 a.m. and 4:30 p.m.

**BOARD OF COUNTY COMMISSIONERS OF
COLUMBIA COUNTY, FLORIDA**

APPENDIX B

FORM OF NOTICE TO BE MAILED

APPENDIX B

FORM OF NOTICE TO BE MAILED

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

COLUMBIA COUNTY
135 NE Hernando Avenue
Lake City, Florida

COLUMBIA COUNTY, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF NON-AD
VALOREM ASSESSMENTS

NOTICE DATE: AUGUST 17, 2017

Owner
Address
City, State Zip

Sequence #
Tax Parcel #
Legal Description:

The form and content of this notice is required by state law. As required by section 197.3632, Florida Statutes, and the direction of the Board of County Commissioners of Columbia County, Florida, notice is given by the County that annual assessments for solid waste services using the tax bill collection method, may be reimposed and levied on your property. The use of an annual special assessment to fund solid waste services benefiting improved property located within the Columbia County Solid Waste Municipal Service Benefit Unit in the past has proven to be fair, efficient and effective. The total annual solid waste assessment revenue to be collected within the Columbia County Solid Waste Municipal Service Benefit Unit is estimated to be \$4,050,491.00. The annual solid waste assessment is based on the number of residential dwelling units contained on each parcel of property.

The following is a summary of the non-ad valorem special assessments being reimposed on the above parcel for the fiscal year beginning October 1, 2017.

The above parcel is subject to the solid waste assessment:

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

The proposed Solid Waste Assessment for the above parcel is \$_____ for the Fiscal Year beginning on October 1, 2017.

The proposed maximum Solid Waste Assessment for the above parcel is \$_____ for future fiscal years.

A public hearing will be held at 5:30 p.m. on September 7, 2017, at the School Board Administration Complex Auditorium, 372 West Duval Street, Lake City, 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 calendar days of the date of this notice. If you decide to appeal any decision made by the Board of County Commissioners 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 County at (386)758-1005 or Telecommunications Device for the Deaf at (386) 758-2139, at least two (2) 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's 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 legal documentation for the assessment program are available for inspection at the County Manager's office, located at 135 NE Hernando Avenue, Lake City, Florida.

The special 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 of each year that the assessment is imposed. Failure to pay the assessment 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, please contact the Columbia County Tax Collector at (386)758-1080, Monday through Friday between 8:00 a.m. and 4:30 p.m.

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