ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

ANNUAL RATE RESOLUTION
FOR SOLID WASTE

ADOPTED AUGUST 9, 2012
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RESOLUTION NO. 12-08-66

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council (the "Council") of Islamorada, Village of Islands, Florida (the "Village"), has enacted Ordinance No. 99-11 (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs against certain Assessed Property within the Village;

WHEREAS, the imposition of a Solid Waste 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 Solid Waste Cost among parcels of Assessed Property;

WHEREAS, the Council desires to reimpose an assessment program for Solid Waste collection and disposal services, facilities or programs within the Village using the tax bill collection method for the Fiscal Year beginning on October 1, 2012;

WHEREAS, the Council, on July 12, 2012, adopted Resolution No. 12-07-52 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid
Waste collection and disposal services, facilities or programs 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 collection and disposal services, facilities 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, 2012, the Ordinance requires the Village 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 Council 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 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 August 9, 2012, 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 VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 99-11; Resolution No. 99-08-39, as amended (the "Initial Assessment Resolution"); Resolution No. 99-09-49 (the "Final Assessment Resolution"); and Resolution No. 12-07-52 (the "Preliminary Rate Resolution"); Article VIII, Section 2, Florida Constitution; 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 collection and disposal services, facilities or programs 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 Village will be benefited by the Village's provision of Solid Waste collection and disposal services, facilities 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 collection and disposal services, facilities or programs 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, 2012, the Solid Waste Cost of $1,581,724.00 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 $377.68 for solid waste and collection disposal services is hereby imposed for each Dwelling Unit. Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs 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 $407.50 per Dwelling Unit for solid waste and collection disposal 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 Council 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 Village Council 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, ADOPTED AND APPROVED THIS 9th day of August, 2012.

Motion to adopt by Councilman Purdo, Seconded by Vice Mayor Philipson

Mayor Michael Reckwerdt          YES
Vice Mayor Ken Philipson          YES
Councilman Don Achenberg          YES
Councilman Ted Blackburn          YES
Councilman Dave Purdo             YES

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

[Signature]
Ken Philipson, Vice Mayor

ATTEST:

[Signature]
Debra Eastman, Village Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS ONLY

[Signature]
Village Attorney
APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS
AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Edward Koconis and Sandi Melgarejo, who, after being duly sworn, depose and say:

1. Edward Koconis, as Village Manager of Islamorada, Village of Islands, Florida (the "Village"), pursuant to that certain Notice to Proceed involving Government Services Group, Inc. ("GSG") and the Village dated December 1, 2008, and the authority and direction received from the Village Council, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Solid Waste Service Assessment Ordinance adopted by the Village Council on August 5, 1999 (the "Assessment Ordinance") and in conformance with the Preliminary Rate Resolution adopted by the Village Council on July 12, 2012 (the "Preliminary Rate Resolution").

2. Sandi Melgarejo is Project Coordinator for GSG. GSG has caused the notices required by the Assessment Ordinance to be prepared in conformance with the Preliminary Rate Resolution. An exemplary form of such notice is attached hereto. GSG 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 Village 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 July 19, 2012, GSG 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 Monroe County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.

Edward Kocohis, affiant

Sandi Melgarejo, affiant
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 1st day of August, 2012 by Edward Koconis, Village Manager, Islamorada, Village of Islands, Florida. He is personally known to me or has produced __________ as identification and did take an oath.

MARY G. SWANEY
MY COMMISSION # EE081220
EXPIRES April 05, 2015
Printed Name: Mary Swaney
Notary Public, State of Florida
At Large
My Commission Expires: April 2015
Commission No.: EE081220

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 30 day of July, 2012 by Sandi Melgarejo, Project Coordinator, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced __________ as identification and did take an oath.

TAMMY PETERS
Commission # DD 921344
Expires August 31, 2013
Printed Name: Tammy Peters
Notary Public, State of Florida
At Large
My Commission Expires: 2013
Commission No.: DD 921344
* * * * NOTICE TO PROPERTY OWNER * * * *

Dear Property Owner:

As required by section 197.3832, Florida Statutes, and the direction of the Village Council notice is given by Islamorada, Village of Islands, 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 Islamorada, Village of Islands, in the past has proven to be fair, efficient and effective. The total annual solid waste assessment revenue to be collected within Islamorada, Village of Islands, is estimated to be $1,581,724.00. The annual solid waste assessment is based on the number of residential dwelling units contained on each parcel of property.

The above parcel is subject to the solid waste assessment.

The following is a summary of the non-ad valorem special assessments being imposed on the above parcel for the fiscal year beginning October 1, 2012.

The total number of residential dwelling units on the above parcel is 1.

The annual solid waste assessment for the above parcel is $377.68 for fiscal year commencing October 1, 2012. The maximum annual solid waste service assessment for the above parcel is $407.50 for the Village’s fiscal year commencing October 1, 2012, and each fiscal year thereafter.

A public hearing will be held at 5:30 p.m. on August 9, 2012, at Founders Park Community Center, 87000 Overseas Highway, Islamorada, Florida, for the purpose of receiving public comment on the proposed assessments. All owners of improved property within the Village were mailed individual notices similar to this one when the assessments were first imposed. Subsequently, only owners of reclassified property which resulted in an increased assessment, or owners of property not included on the prior year’s assessment roll will receive updated mailed notice in addition to the annual published notice. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Village Council within 20 calendar days of the date of this notice. If you decide to appeal any decision made by the Village Council 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 Village Clerk at (305) 664-6412, at least seven (7) 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 Village Council 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 Village Clerk’s office, located at 86800 Overseas Highway, Islamorada, 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 Village at (305) 664-6446, Monday through Friday between 8:00 a.m. and 5:00 p.m.
APPENDIX B

PROOF OF PUBLICATION
STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is Vice-President of Operations of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of

___ Notice of Hearing___

Collection of Solid Waste Service Assessments

was published in said newspaper in the issue(s) of

July 19, 2012

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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.

____________________________
Signature of Affiant

Sworn and subscribed before me this 19 day of July, 2012

____________________________
Notary Public:

Dawn Kawzinsky
Expires: 1/4/16

_________ x ______
Personally Known Produced Identification
Type of Identification Produced

DAWN KAWZINSKY
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE157233
Expires 1/4/2016

Notary Seal
NOTICE OF HEARING TO REMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the Village Council of Islamorada, Village of Islands, will conduct a public hearing to consider remposing solid waste service assessments for the Fiscal Year beginning October 1, 2012, against certain improved residential properties located within the incorporated area of the Village, 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 August 9, 2012, at Founders Park Community Center, 87000 Overseas Highway, Islamorada, 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 Village Council within 20 calendar days of the date of this notice. If a person decides to appeal any decision made by the Village Council 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 Village Clerk at (305) 664-6412, at least 7 days prior to the date of the hearing.

The total annual solid waste assessment revenue to be collected within the Village of Islamorada for the upcoming fiscal year is estimated to be $1,981,724.00. The rate of assessment for the upcoming fiscal year shall be $321.26 per Dwelling Unit. The maximum rate of assessment that can be imposed in the fiscal year commencing October 1, 2012 and future fiscal years shall be $407.50 per Dwelling Unit. Copies of the Solid Waste Service Assessment Ordinance (Ordinance No. 99-11), the Initial Assessment Resolution (Resolution No. 99-08-39), the Final Assessment Resolution (Resolution No. 99-09-49), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and remposing the Solid Waste Service Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the Village Clerk's office, located at 86000 Overseas Highway, Islamorada, Florida. If you have any questions, please contact the Village at (305) 664-6446, 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 2012 as authorized by section 197.3832, 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.

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

July 19, 2012 by [Signature]
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 Islamorada, Village of Islands, Florida or the authorized agent of Islamorada, Village of Islands, Florida (the "Village"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste services (the "Non-Ad Valorem Assessment Roll") for the Village 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 Monroe County Tax Collector by September 15, 2012.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Monroe County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 9th day of August, 2012.

ISAMORADA, VILLAGE OF ISLANDS,
FLORIDA

By: [Signature]
Michael Reckwerdt, Mayor

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