

**BEFORE THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

RESOLUTION NUMBER _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE; RATIFYING CREATION OF THE EAST SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT AND THE WEST SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COLLECTION AND DISPOSAL COSTS AGAINST RESIDENTIAL PROPERTY LOCATED IN THE EAST SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT AND THE WEST SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL FOR THE WEST SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT AND THE EAST SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I
DEFINITIONS AND INTERPRETATION

SECTION 1.01. DEFINITIONS. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in Chapter 151 of the Martin County Code.

"Assessment" means a non-ad valorem special assessment imposed by the County pursuant to the Code to fund the cost of providing Residential Services.

"Administrative Cost and Discount" means, for each Single Family Dwelling Unit, (A) its pro rata share of the cost incurred by the County to administer the Residential Collection Service, as computed in Appendix C and Appendix D hereto; and (B) the sum of (1) its pro rata share of the amount charged by the Tax Collector for collection of the Assessments, and (2) the maximum discount allowed for early payment by such Single Family Dwelling Unit under the Uniform Assessment Collection Act, as computed in Appendix C and Appendix D hereto.

"Assessment Roll" means the non-ad valorem special assessment roll relating to the Residential Services to be provided in the East MSBU and the West MSBU.

"Code" means Chapter 151 of the Martin County Code.

"Collection Cost" means (A) with respect to the East MSBU, the cost incurred by the County for each Single Family Dwelling Unit pursuant to the East Franchise Agreement; and (B) with respect to the West MSBU, the cost incurred by the County for each Single Family Dwelling Unit pursuant to the West Franchise Agreement.

"County Administrator" means the chief executive officer of the County, or that individual's designee.

"Disposal Cost" means (A) with respect to the East MSBU, the cost incurred by the County to dispose of the Solid Waste and Yard Trash generated by a Single Family Dwelling Unit, as computed in Appendix C hereto; and (B) with respect to the West MSBU, the cost incurred by the County to dispose of the Solid Waste generated by a Single Family Dwelling Unit, as computed in Appendix D hereto.

"East Franchise Agreement" means the Franchise for Solid Waste and Recyclable Material Collection Services between the County and Waste Management Inc. of Florida.

"East MSBU" means the East Solid Waste Municipal Service Benefit Unit created by Resolution No. 97-8.12, as depicted in Appendix A hereto.

"Residential Collection Service" means the service of collection and disposal of residential Solid Waste from all Single Family Dwelling Units that are located within the East MSBU or the West MSBU. Residential Collection Service does not include service to mobile or modular homes located in Commercial Trailer Parks, nor Multi-Family Dwelling Units receiving Commercial Collection Service.

"Residential Recyclable Material Collection Service" means the service of collection, transportation, and delivery of the Recyclable Materials to the designated Materials Recovery Facility from Single Family Dwelling Units; provided that (A) in the East MSBU, Recyclable Materials will be collected at the Curbside Collection Point, and

(B) in the West MSBU, Recyclable Material will be collected at various locations within the West MSBU.

"Residential Services" means (A) in the East MSBU, Residential Collection Service and Residential Yard Trash Collection Service provided by the County at the Curbside Collection Point; and (B) in the West MSBU, Residential Collection Service provided by the County at the Curbside Collection Point.

"Residential Yard Trash Collection Service" means the service of collection and disposal of residential Yard Trash from Single Family Dwelling Units located within the East MSBU. This term does not include service to mobile or modular homes located in Commercial Trailer Parks, nor Multi-Family Dwelling Units receiving Commercial Collection Service.

"Service Cost" means all of the costs associated with providing the Residential Services, including the costs associated with collecting the Assessment pursuant to the Uniform Assessment Collection Act, and any other costs or expenses related thereto.

"Single Family Dwelling Unit" means: (A) any single family, duplex, or triplex dwelling unit with kitchen facilities for each unit located within the East MSBU or West MSBU, including mobile or modular homes or trailers that have residential permanent license tags and are erected on a separate parcel of property, and are not included within the definition of a Commercial Trailer Park; and (B) the related single family parcel control numbers of such properties that receive Residential Collection Service, Residential Curbside Recyclable Material Collection Service, and Residential Yard Trash Collection Service.

"Solid Waste" means (A) Sludge unregulated under the federal Clean Water Act or Clean Air Act; (B) Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or (C) Garbage, rubbish, refuse, Special Waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

"Tax Parcel" means a parcel of property to which the Martin County Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Uniform Collection Assessment Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

"West Franchise Agreement" means the Franchise for Solid Waste and Recyclable Material Collection Services between the County and Indiantown Company, Inc.

"West MSBU" means the West Solid Waste Municipal Service Benefit Unit created by Resolution No. 97-8.13, as depicted in Appendix A hereto.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore"

means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03. LEGISLATIVE FINDINGS. It is hereby ascertained, determined and declared that:

(A) Article VIII, Section 1 of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, grant to a board of county commissioners all powers of local self-government to perform county functions and to render services for county purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by the enactment of county ordinances.

(B) In addition to its powers of self-government, the Board is authorized by Sections 125.01(1)(q) and (r), Florida Statutes, to establish municipal services benefit units for all or any part of the unincorporated area within the County, or within the municipal boundaries of an incorporated area upon consent of the governing body of the affected municipality, to provide "garbage and trash collection and disposal" services including recycling service from funds derived from special assessments levied with such municipal service benefit units.

(C) Pursuant to Section 403.706(1), Florida Statutes, the County has the primary responsibility and authority to provide for the operation of Solid Waste Disposal Facilities to meet the needs of all incorporated and unincorporated areas within the County.

(D) All Single Family Dwelling Units within the unincorporated areas of the County generate or are capable of generating Solid Waste.

(E) The imposition of an Assessment upon Single Family Dwelling Units is a fair, equitable and reasonable method of allocating and apportioning the Service Cost among are Single Family Dwelling Units located in the East MSBU and West MSBU.

(F) It is hereby ascertained, determined and declared by the Board that each Single Family Dwelling Unit will be benefited by the County's provision of Residential Services in an amount not less than the Assessment for such Single Family Dwelling Unit, computed in the manner set forth in this Resolution.

(G) This Initial Assessment Resolution is adopted pursuant to the provisions of the Code and other applicable provisions of law, and is the Initial Assessment Resolution as defined in the Code.

**ARTICLE II
NOTICE AND PUBLIC HEARING**

SECTION 2.01. PUBLIC HEARING. A public hearing shall be held on September 30, 2008 at 9:00 A.M. or as soon thereafter as the matter may be heard, in the County Commission Meeting Room of the Martin County Administrative Building, 2401 S.E. Monterey Road, Stuart, Florida, to consider (A) imposition of the Assessments, and (B) collection of the Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 2.02. NOTICE BY PUBLICATION. The County Administrator shall publish a notice of the public hearing authorized by Section 2.01 hereof, as required by Section 151.54 of the Code, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than September 10, 2008 in a newspaper generally circulated in Martin County.

SECTION 2.03. NOTICE BY MAIL. In addition to the published notice required by Section 151.54 of the Code, notice of the public hearing authorized by Section 2.01 hereof will be provided to the owner of each parcel of property subject to the Assessment, as required by Section 151.55 of the Code, through the notice of proposed property taxes to be mailed by the Property Appraiser pursuant to Section 200.069, Florida Statutes, not later than September 10, 2008. Information in substantially the form attached hereto as Appendix B shall be included with the notice of proposed property taxes.

**ARTICLE III
SOLID WASTE ASSESSMENTS**

SECTION 3.01. MUNICIPAL SERVICE BENEFIT UNITS.

(A) The County hereby ratifies and confirms creation of the East Solid Waste Municipal Service Benefit Unit pursuant to Resolution No. 97-8.12. The property located within the East MSBU is depicted in Appendix A hereto.

(B) The County hereby ratifies and confirms creation of the West Solid Waste Municipal Service Benefit Unit pursuant to Resolution No. 97-8.13. The property located within the East MSBU is depicted in Appendix A hereto.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Assessments for Residential Services shall be imposed against all Single Family Dwelling Units located in the East MSBU and the West MSBU, which shall be computed in accordance with this Article II. When imposed, the Assessment shall constitute a lien upon such property pursuant to the Code.

SECTION 3.03. RESIDENTIAL SERVICES. Upon the imposition of the Assessment for Residential Services against Single Family Dwelling Units, the County shall provide Residential Collection Service; Residential Curbside Recyclable Material Collection Service; and Residential Yard Trash Collection Service to such Single Family Dwelling Units. The Service Cost shall be paid from proceeds of the Assessment.

SECTION 3.04. COMPUTATION FOR EAST MSBU. The Assessment for each Single Family Dwelling Unit located in the East MSBU shall be equal to sum of the Collection Cost, the Disposal Cost and the Administrative Cost and Discount, as

computed in Appendix C hereto. For the Fiscal Year ending September 30, 2009, the Assessment for each Single Family Dwelling Unit located in the East MSBU is \$283.47.

SECTION 3.05. COMPUTATION FOR WEST MSBU. The Assessment for each Single Family Dwelling Unit located in the West MSBU shall be equal to sum of the Collection Cost, the Disposal Cost and the Administrative Cost and Discount, as computed in Appendix D hereto. For the Fiscal Year ending September 30, 2009, the Assessment for each Single Family Dwelling Unit located in the West MSBU is \$322.33.

SECTION 3.06. ASSESSMENT ROLL. The County Administrator is hereby directed to prepare, or cause to be prepared, a preliminary Assessment Roll for the East MSBU and the West MSBU Assessment Roll for the Fiscal Year ending September 30, 2009. Such preliminary Assessment Roll shall contain the following: (A) a summary description of all Tax Parcels containing Single Family Dwelling Units conforming to the description contained on the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes; (B) the name and address of the owner of record of each such Tax Parcel; and (C) the amount of the Assessment for each such Tax Parcel. The preliminary Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the preliminary Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel can be determined by use of a computer terminal available to the public.

**ARTICLE IV
GENERAL PROVISIONS**

SECTION 4.01. METHOD OF COLLECTION. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

SECTION 4.02. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4.03. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 12th day of August, 2008.

**BOARD OF COUNTY
COMMISSIONERS OF MARTIN
COUNTY, FLORIDA**

(SEAL)

By: _____
Doug Smith, Chairman

ATTEST:

APPROVED AS TO FORM AND
CORRECTNESS

By: _____
Marsha Ewing, Clerk

By: _____
Stephen Fry, County Attorney