

RESOLUTION 2018-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, LEVYING A NON-AD VALOREM SPECIAL ASSESSMENT FOR RESIDENTIAL PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HAVERHILL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND SOLID WASTE COLLECTION AND DISPOSAL AND RELATED CHARGES WITHIN THE TOWN, COLLECTING SUCH PURSUANT TO THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS; APPROVING, CONFIRMING, AND ADOPTING THE NON-AD VALOREM ASSESSMENT ROLL, INCORPORATED HEREIN AS EXHIBIT "B"; PROVIDING THAT SUCH ASSESSMENTS SHALL CONSTITUTE LEGAL, VALID, AND BINDING FIRST LIENS UPON PROPERTY AGAINST WHICH ASSESSMENTS ARE MADE UNTIL PAID; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Haverhill previously decided that it is in the best interest of the citizens and residents of Haverhill for the Town to provide Solid Waste collection and disposal services; and

WHEREAS, the Town Council has established a mandatory Solid Waste Collection program for Haverhill as set forth in Chapter 30, Solid Waste, of the Code of Ordinances of the Town of Haverhill; and

WHEREAS, Haverhill has awarded a Solid Waste and Recycling Agreement ("Contract") for the performance of the solid waste collection and disposal as set forth in the Contract; and

WHEREAS, it is the policy of the Town Council that Solid Waste Collection and Disposal be self-supporting thereby requiring all residential improved properties located within Haverhill to pay for the full costs of Solid Waste Collection and Disposal services, including any administrative or other charges relating thereto; and

WHEREAS, the Town of Haverhill previously decided to fund the Solid Waste Collection and Disposal Services through a non-ad valorem special assessment, and to collect such pursuant to the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessment; and

WHEREAS, Haverhill desires to charge those dwelling units requiring residential curbside service pursuant to the procedures set forth in Section 197.3632, Florida Statutes, and otherwise known as the "Uniform Method"; and

WHEREAS, Haverhill desires to charge all Non Assessed Residential Units resulting from new construction during the year or post January 1, 2018 annexation of property into Haverhill that require Solid Waste Collection and Disposal services which costs are not assessed by Haverhill or the Solid Waste Authority of Palm Beach County Florida (Authority) pursuant to the procedures in Section 197.3632, Florida Statutes; and

WHEREAS, Haverhill has completed a review the said rate schedules and the annual Solid Waste Collection Non-Ad Valorem Special Assessment roll; and

WHEREAS, the Town of Haverhill previously adopted Resolution No. 2010-10 on December 16, 2010 stating the intent of the Town to use the uniform Method of Collecting a Non- Ad Valorem Assessment for solid waste collection and disposal and other related services; and

WHEREAS, the Town held a public hearing on June 28, 2018 to adopt the preliminary non- ad valorem special assessment roll for funding Solid Waste Collection and Disposal and related services within the Town; and

WHEREAS, affected property owners have had the right to file written objections to the Non-Ad Valorem Special Assessment, and to appear at the public hearing; and

WHEREAS, the Town has received the written objections, heard testimony from all interested persons, and considered all objections relating to the non-ad valorem special assessment; and

WHEREAS, the Town has equalized or adjusted the Non-Ad Valorem Special Assessment as dictated by fairness and right; and

WHEREAS, the amount of the Non-Ad Valorem Special Assessment in fiscal year 2018-2019 to fund Solid Waste Collection and Disposal Services and related charges is \$175,802 and

WHEREAS, the amount of the assessment per residential unit ("Non-Ad Valorem Special Assessment") shall be:

Single Family Homes	\$ 262.00 per year
Multi-Family Homes (< 5 units)	\$ 262.00 per unit, per year

and

WHEREAS, the payment of the non-ad valorem special assessment shall commence on October 1, 2018; and

WHEREAS, the non-ad valorem special assessment to fund Solid Waste Collection and Disposal Services shall be collected on an annual basis with the amount payable by a property owner to the Town in fiscal year 2018/2019 being the amount set forth in the non-ad valorem assessment roll, incorporated herein and attached hereto as Exhibit "B", with future assessment amounts to be determined on an annual basis.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof by the Town Council.

SECTION 2. It is necessary, serves a Town and public purpose, and is in the best interests of the Town of Haverhill, to levy the Non-Ad Valorem Special Assessment to fund the Town's Solid Waste Collection and Disposal and related services.

SECTION 3. The Town of Haverhill shall levy the Non-Ad Valorem Special Assessment to fund the Solid Waste Collection and Disposal and related Services provided by the Town. The assessment rate ("Rate") shall be \$262.00 per single family residential unit and \$262.00 per multi-family (< 5 units) unit.

SECTION 4. The Town of Haverhill approves, confirms, and adopts the Non-Ad Valorem Special Assessment roll shown on Exhibit "B" and the Mayor is hereby designated and authorized to certify Haverhill's 2018/2019 Solid Waste Collection and Disposal Non-Ad Valorem Assessment Roll.

SECTION 5. The non-ad valorem assessment roll shall be filed with the Town Administrator of the Town of Haverhill, and such other parties as may be required by contract or law, and such assessments shall stand confirmed and remain legal, valid, and binding first liens upon property against which such assessments are made until paid. The Non-Ad Valorem Special Assessment Rate shall be for the Fiscal Year 2018/2019 and shall become effective October 1, 2016. The Non-Ad Valorem Special Assessment roll as adopted is to be continued to be collected from year to year until discontinued by the Town.

SECTION 6. Haverhill is hereby adopting fees for the purpose of providing for the collection and disposal of Solid Waste from residential dwelling units for newly constructed residential structures located within the Town which are not subject to the Uniform Method as allowed by Florida Statutes and defined as the Non Assessed Residential Units. The Schedule of Rates to be applied to Non Assessed Residential Units for Residential Solid Waste Collection and Disposal service as described in this section and as set forth in this Resolution (\$262.00 per unit) is hereby adopted. The monthly rates for service to Non Assessed Residential Units shall be identical to the monthly rates which are applied to Residential Assessed Units. The amount of the fees charged and collected from a Non Assessed Residential Unit shall be computed as provided in this section. Since the addition of newly constructed residential structures can occur uniformly throughout the period of time between when a property is recognized on the Property Appraiser Tax Roll and the rates for service are subsequently collected using the Uniform Method for Residential Solid Waste Collection services, it is necessary to prorate and collect said fees for that period of time which Residential Solid Waste Collection and Disposal services are provided to the Non Assessed Residential Unit. The amount of the fees charged and collected from a Non

Assessed Residential Unit shall be computed by Haverhill based on the formula contained in this section. Haverhill shall collect said fees for Non Assessed Residential Units as provided for in this Resolution.

Haverhill shall compute the amount of fees based on the following formula:

Non-Assessed Residential Unit Billing Formula:

$$(MR \times MF) + (DR \times RD) = \text{Total Fees Due}$$

MR = The rate for Residential Solid Waste Collection and Disposal Services adopted herein expressed on a monthly basis (Annual Rate divided by 12 months)

DR = The rate for Residential Solid Waste Collection and Disposal Services for Non-Assessed Residential Units adopted herein expressed on a daily basis (Annual Rate divided by 365 days)

RD = Remaining days in month in which Certificate of Occupancy or Certificate of Completion or Release of Electrical Power (collectively referred to as the "CO") for a newly constructed residential dwelling unit, inclusive of the day of issue.

The determination of the fees to be collected from Non-Assessed Residential Units associated with new construction will not be applicable to commercial service or multi-family residential units greater than 4 units. The assessment rate for Non-Assessed Residential Units shall be for the 2018/2019 Fiscal Year and shall become effective October 1, 2018. Haverhill shall collect fees charged to Non-Assessed Residential Units as follows:

- A. At the time application is made for a newly constructed residential building, Haverhill, pursuant to the terms of this Resolution, shall collect from each CO Applicant the Non-Assessed Residential Unit fees calculated in accordance with the methodology used by Haverhill as set forth in this Resolution. No CO shall be issued without proof of full payment of the Non-Assessed Residential Unit fees required to provide Solid Waste Collection and Disposal services.
- B. Any residential properties with existing improvements thereon which were annexed into Haverhill after January 1, 2018, shall be billed for full payment of the Solid Waste Collection and Disposal services calculated in accordance with the methodology as set forth in this Resolution.
- C. All fees collected from Non-Assessed Residential Units will be deposited in the funds for the benefit of the Solid Waste Enterprise Fund.
- D. The non-payment of the Non-Assessed Residential Unit fees from Solid Waste Collection and Disposal services shall not constitute a lien on the property of the Applicant which has not paid such fees.

SECTION 7. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. If any clause, section or other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 9. This Resolution shall become effective immediately upon its passage and adoption.


PASSED AND ADOPTED this 13th day of September 2018. Council Member Uptegraph offered the foregoing Resolution, and moved its adoption. The Motion was seconded by Council Member Harvin, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor	AYE
LAWRENCE GORDON, Vice Mayor	ABSENT
MARK C. UPTOGRAPH, Council Member	AYE
REMAR M. HARVIN, Council Member	AYE
DANIEL H. SOHN, Council Member	ABSENT

The Mayor thereupon declared this Resolution approved and duly adopted by the Town Council of the Town of Haverhill, Florida this 13th day of September 2018.

ATTEST:

TOWN OF HAVERHILL, FLORIDA



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

