

RESOLUTION NO. 18-2534

A RESOLUTION OF TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; AMENDING THE INITIAL ASSESSMENT RESOLUTION; ESTABLISHING THE RATE OF ASSESSMENT; IMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA; APPROVING THE ASSESSMENT ROLL; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission ("Commission") of the Town of Surfside, Florida ("Town"), has enacted Ordinance No. 2018-1687 (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste management services, including collection, disposal and recycling services, facilities or programs against certain Assessed Property within the Town;

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

WHEREAS, the Commission desires to include within the Solid Waste Service Assessment those amounts which are past due and delinquent from certain Residential Properties which have failed to pay the costs of Solid Waste management services, including collection, disposal and recycling services, facilities and programs during the Delinquency Period;

WHEREAS, the Commission desires to initiate and/or continue an assessment program for Solid Waste management services, including collection, disposal and recycling services, facilities or programs within the Town using the tax bill collection method for the Fiscal Year beginning on October 1, 2018;

WHEREAS, the Commission, on July 24, 2018, adopted Resolution No. 2018-2524 (the "Initial Assessment Resolution"), containing a brief and general description of the Solid Waste management services, including collection, disposal and recycling services, facilities or programs to be provided to Assessed Property, describing the method of apportioning the Solid Waste Costs to compute the Solid Waste Service Assessment for Solid Waste management services, including collection, disposal and recycling 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, pursuant to the provisions of the Ordinance, the Town is required to confirm or repeal the Initial Assessment Resolution, with such amendments as the Commission deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the 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 September 12, 2018, 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 TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Ordinance No. 2018-1687; Resolution No. 2018-2524; 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 Final Assessment Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

SECTION 3. INITIAL ASSESSMENT RESOLUTION AMENDED.

(A) The determination of Solid Waste Cost in Section 5 of the Initial Assessment Resolution is hereby amended as follows:

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year commencing October 1, 2018, is ~~\$318.67~~ \$484,813.83. 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 and facilities shall be funded from available Town revenue other than Solid Waste Service Assessments. (~~Strikethrough~~ indicates deleted text; underscore indicates new text.)

(B) Accordingly, the Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year commencing October 1, 2018, is \$484,813.83. Except as modified, amended and supplemented herein, the Initial Assessment Resolution shall remain in full force and effect.

SECTION 4. IMPOSITION 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 management services, including collection, disposal and recycling services, facilities or programs described in the Initial Assessment Resolution, in the amount of the Solid Waste Service Assessment set forth in the 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 Town will be benefited by the Town's provision of Solid Waste management services, including collection, disposal and recycling 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 this Resolution. Adoption of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Ordinance and the Initial Assessment Resolution from the Solid Waste management services, including collection, disposal and recycling 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 Initial Assessment Resolution.

(B) The method for computing Solid Waste Service Assessments described in the Initial Assessment Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2018, the Solid Waste Cost 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 \$318.67 for each Dwelling Unit, in addition to any delinquencies or past due amounts attributable to each Dwelling Unit for Solid Waste management services, including collection, disposal and recycling services incurred during the Delinquency Period, is hereby approved. Solid Waste Service Assessments for Solid Waste management services, including collection, disposal and recycling 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) 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 Commission 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.

(E) As authorized in Section 2.13 of the Ordinance, interim Solid Waste Service Assessments are also levied and imposed against all Residential Property for which a Certificate of Occupancy is issued after adoption of this Final Assessment Resolution based upon the rates of assessment approved herein.

(F) Such Solid Waste Service Assessments, including any delinquencies or past due amounts due the Town for Solid Waste management services, including collection, disposal and recycling services provided during the Delinquency Period, 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.

(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 5. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution, as modified, amended and supplemented herein, is hereby confirmed.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment 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 management services, including collection, disposal and recycling 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 Final Assessment Resolution.

SECTION 7. EFFECTIVE DATE. This resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 12th day of September, 2018.

Motion By: Commissioner Karukin

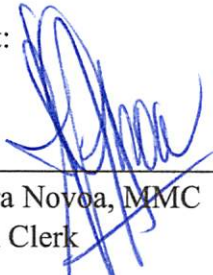
Second By: Vice-Mayor Gielchinsky

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Daniel Gielchinsky
Mayor Daniel Dietch

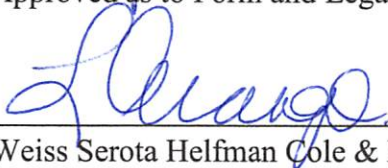
Absent
yes
yes
yes
yes

Attest:



Sandra Novoa, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



Daniel Dietch, Mayor

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Christopher Wallace, who, after being duly sworn, deposes and says:

1. Christopher Wallace, as Acting Interim Finance Director, of the Town of Surfside, Florida (the "Town"), and upon the authority and direction received from the Town Commission timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Sections 2.03, 2.04, and 2.05 of the Solid Waste Management Services Assessment Ordinance No. 2018-687 adopted by the Town Commission on July 10, 2018, (the "Assessment Ordinance") and in conformance with the Initial Assessment Resolution No. 2018-2524 adopted by the Town Commission on July 24, 2018 (the "Initial Assessment Resolution").

2. Christopher Wallace, as Acting Interim Finance Director, of the Town of Surfside, Florida has caused the notices required by Section 2.05 of the Assessment Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. Christopher Wallace 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 rate of assessment proposed to be levied against each parcel of property; 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 Town 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; notification that unpaid or delinquent fees, charges, or assessments due the Town for Solid Waste management services, including collection, disposal and recycling services allocated to specific parcels will be additionally included in the assessment; 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 August 20, 2018, Christopher Wallace, delivered and directed the mailing of the above-referenced notices by mail in accordance with Section 2.05 of the Ordinance by First Class Mail (as defined in the Ordinance) to each Owner of Assessable Property shown on the Assessment Roll, prepared in accordance with the Initial Assessment Resolution, at the addresses then shown on the real property assessment tax roll database maintained by the Miami-Dade County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.


FURTHER AFFIANTS SAYETH NOT.



Name: Christopher Wallace

STATE OF FLORIDA)
Broward SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 4 day of Sept, 2018, by Christopher Wallace, as Acting Interim Finance Director, of the Town of Surfside, Florida, who (check one) [] is personally known to me or [] has produced FL DL as identification.

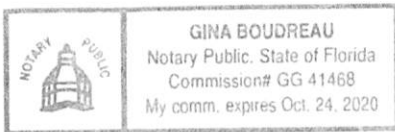


Notary Public, State of Florida

Print Name: Gina Boudreau

My Commission Expires:

10/24/20



SAMPLE FORM OF NOTICE TO BE MAILED

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

Town of Surfside, Florida
9293 Harding Avenue
Surfside, Florida 33154

TOWN OF SURFSIDE, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR THE COLLECTION OF NON- AD
VALOREM ASSESSMENTS FOR SOLID WASTE
MANAGEMENT SERVICES, INCLUDING
COLLECTION, DISPOSAL AND RECYCLING
SERVICES

NOTICE DATE: AUGUST 20, 2018

Owner Name
Address and
City, State Zip

Tax Parcel No.
Legal Description:

As required by Section 197.3632, Florida Statutes, notice is given by the Town of Surfside, Florida (the "Town"), that an annual assessment for solid waste services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2018 - September 30, 2019.

The purpose of this assessment is to fund the costs of solid waste management services benefiting residential property consisting of four (4) Dwelling Units or less located within the Town, including collection, disposal and recycling services. The assessment revenue to be collected within the Town, is estimated to be \$484,813.83. The annual solid waste service assessment is based on the number of residential Dwelling Units contained on each parcel of property plus any unpaid or delinquent charges for solid waste services.

The total number of residential Dwelling Units on the above parcel is 1.

The solid waste service assessment for the-above parcel is \$ 318.67.

The delinquent solid waste charge for the above parcel is \$ 0.

A public hearing will be held at 7:00 p.m, on September 12, 2018, at 9293 Harding Avenue, Surfside, Florida 33154 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 Town Commission within 20 days of this notice. If you decide to appeal any decision made by the Town Commission 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 Town at (305) 861-4863, at least seven 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 Town Commission 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 Solid Waste Service Assessment Ordinance, the Initial Assessment Resolution and the preliminary assessment roll are available for inspection at the Town Clerk's office located at 9293 Harding Avenue, Surfside, Florida 33154.

Both the solid waste service non-ad valorem 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 2018. 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 solid waste service assessment, please contact the Town Finance Department at (305) 993-1099, Monday through Friday between 9:00 a.m. and 5:00 p.m., or visit the Town's website at <https://www.townofsursidefl.gov/solid-waste-assessment> for further information.

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

APPENDIX B
PROOF OF PUBLICATION



TOWN OF SURFSIDE

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

Notice is hereby given that the Town Commission of the Town of Surfside, Florida will conduct a public hearing to consider imposing solid waste special assessments against certain improved residential properties located within the incorporated area of the Town to fund the cost of solid waste management services, including collection, disposal and recycling 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 7:00 p.m. on September 12, 2018, at 9293 Harding Avenue, Surfside, Florida 33154, 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 Town Commission within 20 days of this notice. If a person decides to appeal any decision made by the Town Commission 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 Town at (305) 861-4863, at least seven days prior to the date of the hearing.

The assessments will be computed by multiplying the number of dwelling units on each parcel by the rate of assessment, plus any unpaid or delinquent charges for solid waste services incurred between October 1, 2017 and September 30, 2018. The rate of assessment for the upcoming fiscal year shall be \$318.67. The total amount to be assessed is \$364,877.15. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments, are available for inspection at the office of the Town Clerk, located at 9293 Harding Avenue, Surfside, Florida 33154.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2018, 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 Town Finance Department at (305) 861-4863 Monday through Friday between 9:00 a.m. and 5:00 p.m. or visit the Town's website at <https://www.townofsurfsidefl.gov/solid-waste-assessment> for further information.

**TOWN CLERK
TOWN OF SURFSIDE, FLORIDA**

Sunday, August 19, 2018



MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared
GUILLERMO GARCIA, who on oath says that he or she is the
DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily
Business Review f/k/a Miami Review, a daily (except
Saturday, Sunday and Legal Holidays) newspaper,
published at Miami in Miami-Dade County, Florida; that the
attached copy of advertisement, being a Legal Advertisement
of Notice in the matter of

TOWN OF SURFSIDE - NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE
SPECIAL ASSESSMENTS

in the XXXX Court,
was published in said newspaper in the issues of

08/17/2018

SEE ATTACHED

Affiant further says that the said Miami Daily Business
Review is a newspaper published at Miami, in said Miami-Dad
e County, Florida and that the said newspaper has
heretofore been continuously published in said Miami-Dade
County, Florida each day (except Saturday, Sunday and
Legal Holidays) and has been entered as second class mail
matter at the post office in Miami in said Miami-Dade County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he or she 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.

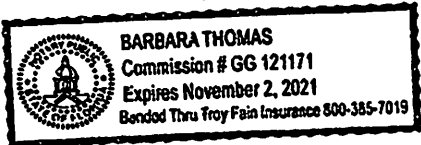
Guillermo Garcia

Sworn to and subscribed before me this
17 day of AUGUST, A.D. 2018

Barbara Thomas

(SEAL)

GUILLERMO GARCIA personally known to me





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

Notice is hereby given that the Town Commission of the Town of Surfside, Florida will conduct a public hearing to consider imposing solid waste special assessments against certain improved residential properties located within the incorporated area of the Town to fund the cost of solid waste management services, including collection, disposal and recycling 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 7:00 p.m. on September 12, 2018, at 9293 Harding Avenue, Surfside, Florida 33154, 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 Town Commission within 20 days of this notice. If a person decides to appeal any decision made by the Town Commission 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 Town at (305) 861-4863, at least seven days prior to the date of the hearing.

The assessments will be computed by multiplying the number of dwelling units on each parcel by the rate of assessment, plus any unpaid or delinquent charges for solid waste services incurred between October 1, 2017 and September 30, 2018. The rate of assessment for the upcoming fiscal year shall be \$318.67. The total amount to be assessed is \$364,877.15. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments, are available for inspection at the office of the Town Clerk, located at 9293 Harding Avenue, Surfside, Florida 33154.

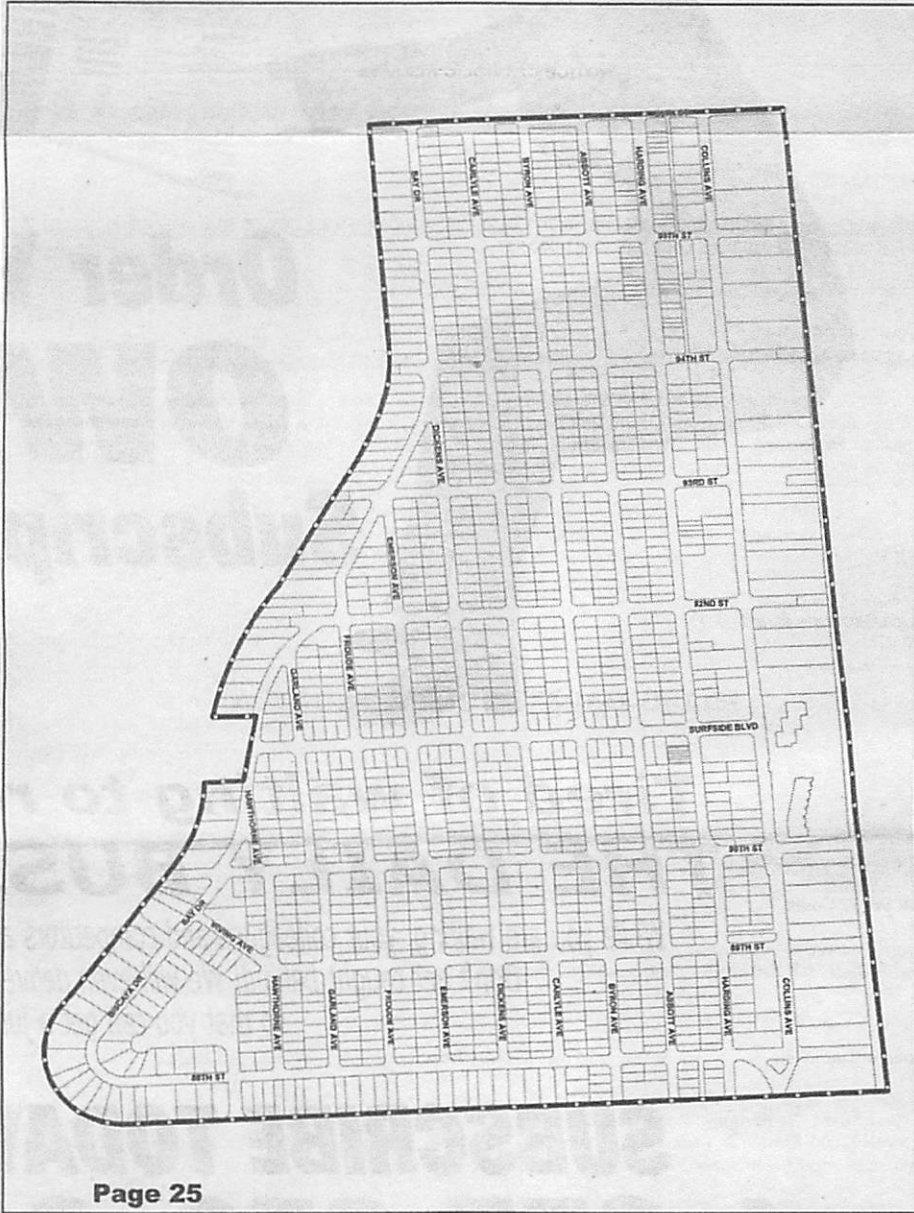
The assessments will be collected on the ad valorem tax bill to be mailed in November 2018, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

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If you have any questions, please contact the Town Finance Department at (305) 861-4863 Monday through Friday between 9:00 a.m. and 5:00 p.m. or visit the Town's website at <https://www.townofsursidefl.gov/solid-waste-assessment> for further information.

TOWN CLERK
TOWN OF SURSIDE, FLORIDA

Friday, August 17, 2018



Page 25

8/17

18-110/0000340860M

2/2

APPENDIX C

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the Town of Surfside, Florida, or the authorized agent of the Town of Surfside, Florida ("Town"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste management services, including collection, disposal and recycling services (the "Non-Ad Valorem Assessment Roll") for the Town is properly assessed so far as I have been able to ascertain; and that all required extensions of the above described roll to show the non-ad valorem assessments attributable to the property listed 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 Miami-Dade County Tax Collector by September 15, 2018.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Miami-Dade County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 12th day of September, 2018.

TOWN OF SURFSIDE, FLORIDA

By: 
Daniel Dietch, Mayor

[To be Delivered to Tax Collector Prior to September 15]