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RESOLUTION  
NUMBER 2019- 106

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, RELATING TO THE CHARLOTTE COUNTY SANITATION MUNICIPAL SERVICE BENEFIT UNIT (MSBU); ADOPTING LEGISLATIVE FINDINGS; APPROVING NEW MAXIMUM ASSESSMENT RATES; APPROVING ASSESSMENT RATES FOR FISCAL YEAR 2019-2020; PROVIDING FOR INTERIM SANITATION ASSESSMENTS; LEGAL EFFECT OF ASSESSMENTS; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 4-2-3 of the Charlotte County Code of Laws and Ordinances (hereinafter the "Code") provides for the imposition of annual service assessments against residential property located within the Charlotte County Sanitation Unit; and

WHEREAS, the imposition of an annual Service Assessment for collection and disposal of Solid Waste is an equitable and efficient method of allocating and apportioning Solid Waste Service costs among parcels of Assessable Property; and

WHEREAS, the Board desires to re-impose the annual Sanitation Collection and Disposal Service Assessment within the Charlotte County Sanitation Unit and utilize the tax bill collection method for the Fiscal Year beginning October 1, 2019; and

WHEREAS, on July 23, 2019 the Board approved a proposed increase to the Maximum Assessment Rate of \$360.00 for property in the Boca Grande sub-unit, \$575.00 for property in the Don Pedro/Knight Island sub-unit, and \$340.00 for all other property in the Unit; and proposed Fiscal Year 2019/2020 assessment rates of \$233.01 for property in

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the Boca Grande sub-unit, \$357.84 for property in Don Pedro/Knight Island sub-unit, and \$215.73 for all other property in the Unit; and

WHEREAS, as required by Section 197.3632, Florida Statutes, a notice of public hearing has been published and mailed to each property owner proposed to be assessed, notifying such property owner of the owner's opportunity to be heard; and

WHEREAS, a public hearing was held on September 9, 2019, and comments and objections of all interested persons were heard and considered as required by the Code.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. AUTHORITY. This Resolution is adopted pursuant to Section 4-2-3 of the Charlotte County Code of Laws and Ordinances; Article VIII, Section 1 of the Florida Constitution, the Charlotte County Home Rule Charter, sections 125.01 and 125.66, Florida Statutes, and other applicable provisions of law.

2. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Rate Resolution as defined in Section 4-1-1 of the Code. All capitalized terms in this Resolution shall have the meanings defined in the Section 4-1-1 of the Code.

3. LEGISLATIVE FINDINGS. It is hereby ascertained, determined and declared that the Sanitation Service Assessments provide a special benefit to the Assessed Property based on the following legislative determinations:

(A) Pursuant to Section 403.706(1), Florida Statutes, the County has the general responsibility and authority to provide for the collection and transport of residential solid waste and recyclable materials generated within the unincorporated area of the County to appropriate solid waste disposal facilities.

(B) The imposition of a recurring annual Sanitation Service Assessment is an alternative, equitable and efficient method to fairly and reasonably apportion and recover the residential waste and recyclable materials collection, management, and disposal costs incurred by the County among the parcels of residential developed property within the Charlotte County Sanitation Unit.

(C) Apportioning the costs for solid waste and recyclable materials collection and disposal services provided to residential property within the Charlotte County Sanitation Unit MSBU on a per dwelling unit basis is a fair and reasonable method of apportioning those costs among the benefitted property.

(D) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefitted by the County's provision of Residential Waste and Recyclable Materials collection, management, and disposal services, facilities and programs in an amount not less than the Sanitation Service Assessment upon such parcel computed in the manner set forth herein.

4. The Assessment Roll containing the parcels of Assessed Property for Fiscal Year 2019/2020 is hereby approved, ratified and confirmed.

5. For the Fiscal Year beginning October 1, 2019, the estimated Solid Waste Service Cost is \$19,769,814. Said Sanitation Service Cost shall be allocated among all parcels of Residential Property based on the number of Dwelling Units for such parcels. The following rates of assessment for each Equivalent Residential Unit (ERU) for the 2019-2020 Fiscal Year, and Maximum Assessment Rates are hereby approved:

	<u>2019-2020 Assessment Rate (per ERU)</u>	<u>Maximum Assessment Rate (per ERU)</u>
Boca Grande Sub-Unit	\$233.01	\$360.00
Don Pedro/Knight Island Sub-Unit	\$357.84	\$575.00
Main Sanitation Unit	\$215.73	\$340.00

6. Any shortfall in the anticipated Sanitation Assessment revenue due to a reduction or exemption from payment of the Sanitation Assessment required by law or authorized by the Board shall be supplemented by any legally available funds.

7. As authorized by Section 4-1-3(i) of the Code, Interim Sanitation Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.


8. Such Sanitation Assessments shall constitute a lien upon the Assessed Property 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.

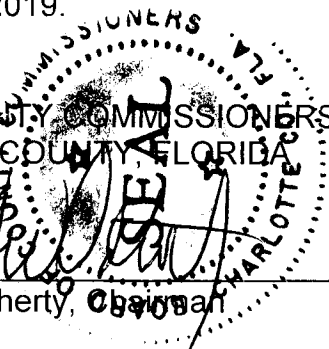
9. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment, the Maximum Assessment Rate, the Assessment Roll, and the levy and lien of the Service Assessments for solid waste collection and disposal), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date this Resolution is adopted.

10. This Resolution shall take effect upon adoption.


PASSED AND DULY ADOPTED this 9th day of September, 2019.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

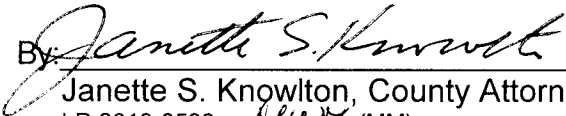
By:   
Kenneth W. Doherty, Chairman



ATTEST:  
Roger D. Eaton, Clerk of the Circuit  
Court and Ex-Officio Clerk to the  
Board of County Commissioners

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:   
Janette S. Knowlton, County Attorney  
LR 2019-0523 FLUW (MM)



PUBLISHER'S AFFIDAVIT OF PUBLICATION  
STATE OF FLORIDA  
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared **Melinda Dickinson**, who on oath says that she is legal clerk of the Charlotte Sun, Englewood Sun, and North Port Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement on page 2 , being a **Legal Notice** was published in said newspaper in the issues of:

08/17/2019

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement on page 2; 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.

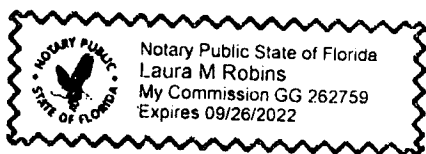
Melinda Dickinson  
(Signature of Affiant)

Sworn and subscribed before me this 22<sup>nd</sup> day of August, 2019.

Laura M Robins  
(Signature of Notary Public)

Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_



# NOTICE OF ASSESSMENT HEARING

On Monday, September 9, 2019, the Board of County Commissioners of Charlotte County, Florida, (the "Board") will hold a public hearing at 5:01 P.M., or as soon thereafter as the matter can be heard, at the Charlotte Harbor Event & Conference Center, 75 Taylor Street, Punta Gorda, Florida. At that time, the Board will consider the adoption of a non-ad valorem assessment for fiscal year 2019-2020 and an increase to the maximum assessment amount for the *Charlotte County Sanitation Unit* (hereinafter "Unit") against each parcel of real estate within the unit occupied on January 1, 2019 by a single-family dwelling, a living unit in a duplex or condominium or apartment house, or a mobile home required to be tied down by applicable state and local regulations. Charlotte County has mailed a notice by first class United States mail to each person owning property subject to the assessment. The geographic boundaries of the Unit are depicted below:



The following proposed assessment rates shall apply to those developed residential properties located in the main area of the Unit. The proposed maximum assessment rate for these properties is \$340.00 per equivalent residential unit (ERU); the proposed assessment for developed residential property for the 2019-2020 Fiscal Year is \$215.73 per ERU.

The following proposed assessment rates shall apply to those developed residential properties located in the Boca Grande area of the Unit. The proposed maximum assessment rate for these properties is \$360.00 per equivalent residential unit (ERU); the proposed assessment for developed residential property for the 2019-2020 Fiscal Year is \$233.01 per ERU.

The following proposed assessment rates shall apply to those developed residential properties located in the Don Pedro-Knight Islands area of the Unit. The proposed maximum assessment rate for these properties is \$575.00 per equivalent residential unit (ERU); the proposed assessment for developed residential property for the 2019-2020 Fiscal Year is \$357.84 per ERU.

The above assessment will be used to fund the cost of collection and disposal of solid waste and recyclable materials.

The assessment will be collected by the Tax Collector and will be reflected on your combined notice for ad valorem taxes and non-ad valorem assessments.

All affected property owners have the right to appear at the public hearing and the right to file written objections with the Board of County Commissioners, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094, within 20 days of the publication of this notice.

The Assessment Roll is available for inspection at the Municipal Service Benefit Unit Section, Room 229, Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941-743-1381. TDD/TTY 941-743-1234, or by email to [David.Lyles@charlottecountyfl.gov](mailto:David.Lyles@charlottecountyfl.gov)

Reference: CCSanitation 090919

Published: August 17, 2019

adno-3701458-1

**AFFIDAVIT OF MAILING**

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

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

1. I, Scott Graham, have been designated by the County Administrator of Charlotte County, Florida, to prepare and mail the notices required by Section 4-1-4(e) of the Charlotte County Code of Ordinances.

2. On or before August 19, 2019, I mailed, or directed the mailing of, a notice to each owner of property within the Charlotte County Sanitation Unit MSBU in conformance with the requirements of Section 4-1-4(e) of the Charlotte County Code of Ordinances at the address shown on the real property assessment tax roll maintained by the Charlotte County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

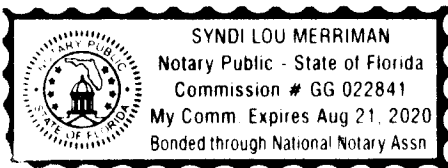
FURTHER AFFIANT SAYETH NOT.

Scott Graham  
Affiant

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by Scott Graham, who is personally known to me or who has produced \_\_\_\_\_ as identification and did (did not) take an oath.

WITNESS, my hand and official seal this 4<sup>th</sup> day of September, A.D., 2019.



Syndi L. Merriman  
Signature of person taking acknowledgment

Syndi L. Merriman  
Name of acknowledger (printed)

My commission expires: 8-21-20

**APPENDIX C**

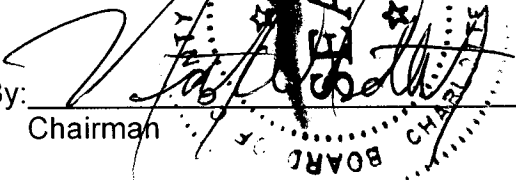
**FORM OF CERTIFICATE TO  
NON-AD VALOREM ASSESSMENT ROLL**

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

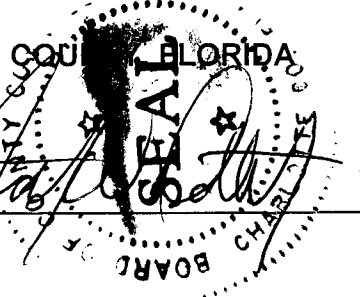
I HEREBY CERTIFY that, I am the Chairman of the Board of County Commissioners, or authorized agent of Charlotte County, Florida (the "County"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for the Charlotte County Sanitation Unit (the "Non-Ad Valorem Assessment Roll") for the County 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 Charlotte County Tax Collector by September 15, 2019.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Charlotte County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 9 day of SEPTEMBER, 2019.

By:   
Chairman

**CHARLOTTE COUNTY, FLORIDA**  
**BOARD OF COUNTY COMMISSIONERS**



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