

RESOLUTION NO. 20-07-60

A PRELIMINARY RATE RESOLUTION OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE VILLAGE FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN ISLAMORADA, VILLAGE OF ISLANDS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR PUBLIC HEARING AND NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE

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

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 Solid Waste Costs among parcels of Assessed Property; and

WHEREAS, for Fiscal Year 2020-2021, beginning on October 1, 2020 through September 30, 2021, the Village Council desires to reimpose an annual Solid Waste collection and disposal assessment program within the Village, using the tax bill collection method; and

WHEREAS, pursuant to Ordinance 99-11, as codified in Chapter 46, Article III, Division 2, Section 46-93 of the Village Code of Ordinances, the Village is required to adopt a Preliminary Rate Resolution prior to the adoption of the Annual Assessment Resolution; and

WHEREAS, Florida Governor DeSantis' Executive Order 20-69 extended by Executive Order 20-150 suspended "...any Florida Statute that requires a quorum to be present in person or requires a local body to meet at a specific public place;" and

WHEREAS, Florida Attorney General Advisory Legal Opinion AGO 2020-03 regarding public meeting quorums using technology clarifies that the executive orders issued by Governor DeSantis have suspended any statutory in-person quorum requirement that a local government body meet at a specific public place and that public access may be provided by teleconferencing or technological means.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Solid Waste Service Assessment Ordinance (Ordinance No. 99-11 or the "Ordinance"), the Initial Assessment Resolution (Resolution No. 99-08-39), the Final Assessment Resolution (Resolution No. 99-09-49), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE AND DEFINITIONS. This Resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2020. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment

Resolution and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 4. PROVISION AND FUNDING OF SOLID WASTE SERVICES.

(A) Upon the imposition of Solid Waste Service Assessments for Solid Waste collection and disposal against Assessed Property located within the Village, the Village shall provide Solid Waste collection and disposal services to such Assessed Property.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Village's provision of Solid Waste collection and disposal services in an amount not less than the Solid Waste Service Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The legislative determinations of special benefit and fair apportionment embodied in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution are hereby affirmed and incorporated herein by reference.

SECTION 6. ESTABLISHMENT OF ANNUAL SOLID WASTE SERVICE ASSESSMENT RATE.

(A) For Fiscal Year 2020-2021, beginning October 1, 2020 through September 30, 2021, for which Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities and programs are to be re-imposed, 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. Only those parcels assigned an Improvement Code of "R" by the Property Appraiser on the Tax Roll shall be classified as Assessed Property. The total Solid Waste Cost for the Fiscal Year beginning October 1, 2020 is

estimated to be \$2,979,800.00. Accordingly, a preliminary rate of assessment equal to \$455.65 for each Dwelling Unit for solid waste collection and disposal services is hereby approved for Fiscal Year beginning October 1, 2020 through September 30, 2021.

(B) In accordance with Section 2.08 of the Ordinance, a maximum assessment rate of \$487.07 per Dwelling Unit for solid waste collection and disposal services is hereby approved for Fiscal Year 2020-2021 and future fiscal years.

(C) The Village Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year beginning October 1, 2020 in the manner provided in the Ordinance. Such updated Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Village conforming to the description contained on the Tax Roll, (2) the name and address of the Owner of record of each parcel as shown on the Tax Roll, and (3) the amount of the Solid Waste Service Assessment attributable to each Dwelling Unit for Solid Waste collection and disposal services.

(D) A copy of this Preliminary Rate Resolution, the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution and the updated Assessment Roll is maintained on file in the office of the Village Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer database available to the public.

(E) The Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel.

(F) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste collection and disposal

services is a fair and reasonable method of apportioning the Solid Waste Cost therefore among parcels of Assessed Property.

SECTION 7. PUBLIC HEARING. The Village Council hereby confirms that a public hearing is scheduled to be held at 5:30 p.m. on August 20, 2020, at Founders Park Community Center, 87000 Overseas Highway, Islamorada, Florida, for the purpose of (A) receiving and considering any comments on the Solid Waste Service Assessments from affected property owners and (B) authorizing the reimposition of such Solid Waste Service Assessments for Solid Waste collection and disposal for Fiscal Year 2020-2021 and collecting such assessments on the same bill as ad valorem taxes. The public hearing may also be held via Communications Media Technology (CMT) utilizing a Zoom video conferencing application that will provide options for viewing the hearing and participation through public comment.

SECTION 8. NOTICE BY PUBLICATION. The Village Manager shall publish a notice, as required by Section 2.04 of the Ordinance, in substantially the form attached hereto as Appendix A. Such notice shall be published no later than July 29, 2020 in a newspaper generally circulated within Monroe County.

SECTION 9. NOTICE BY MAIL. The Village Manager shall provide notice by first class mail to the Owner of each parcel of Assessed Property which has been reclassified or issued a new Certificate of Occupancy (C.O.) pursuant to a building permit for a Dwelling Unit that was not included on the Assessment Roll approved for the prior fiscal year, and in the event circumstances described in Section 2.08(F) of the Ordinance so require. Such notice shall be in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than July 29, 2020.

SECTION 10. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.


Motion to adopt By Councilwoman Deb Gillis, seconded by Vice Mayor Ken Davis.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Mike Forster	YES
Vice Mayor Ken Davis	YES
Councilwoman Deb Gillis	YES
Councilman Jim Mooney	YES
Councilman Chris Sante	YES

PASSED AND ADOPTED ON THIS 16th DAY OF JULY, 2020.



MIKE FORSTER, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

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



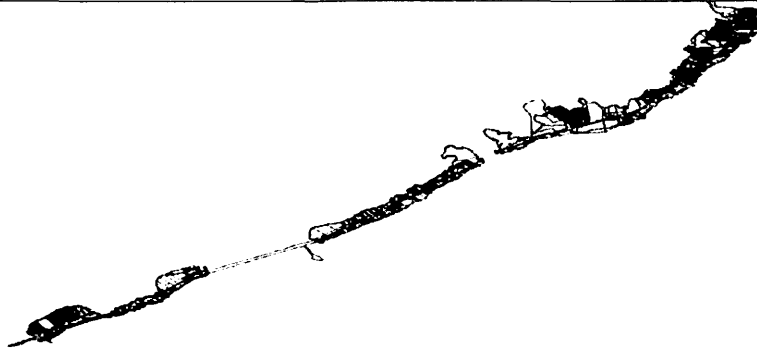
ROGET V. BRYAN, VILLAGE ATTORNEY

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published by July 29, 2020

**NOTICE OF HEARING TO REIMPOSE 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 re-imposing solid waste service assessments for the Fiscal Year beginning October 1, 2020, 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 20, 2020, 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 seven (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 \$1,979,800.00. The rate of assessment for the upcoming fiscal year shall be \$455.65 per Dwelling Unit. The maximum rate of assessment that can be imposed in the fiscal year commencing October 1, 2020 and future fiscal years shall be \$487.07 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 re-imposing 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 86800 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 2020, 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.

**VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**

**APPENDIX B
FORM OF NOTICE TO BE MAILED**

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
86800 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF SOLID WASTE
NON-AD VALOREM ASSESSMENTS

NOTICE DATE: JULY 29, 2020

[Property Owner Name]
[Street Address]
[City, State Zip]

Sequence #
Alternate Key #

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

Dear Property Owner:

As required by section 197.3632, 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 re-imposed 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 \$1,979,800.00. 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, 2020.

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

The annual solid waste assessment for the above parcel is \$455.65 for fiscal year commencing October 1, 2020.

The maximum annual solid waste service assessment for the above parcel is \$487.07 for the Village's fiscal year commencing October 1, 2020, and each fiscal year thereafter.

A public hearing will be held at 5:30 p.m. on August 20, 2020, 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.