
CITY OF CORAL GABLES, FLORIDA

**AMENDED AND RESTATED
FINAL ASSESSMENT RESOLUTION
SOLID WASTE**

ADOPTED SEPTEMBER 13, 2016

TABLE OF CONTENTS

	Page
SECTION 1. AUTHORITY	3
SECTION 2. DEFINITIONS AND INTERPRETATION	3
SECTION 3. IMPOSITION OF SOLID WASTE SERVICE ASSESSMENTS.....	4
SECTION 4. CONFIRMATION OF AMENDED AND RESTATED INITIAL ASSESSMENT RESOLUTION.	6
SECTION 5. EFFECT OF ADOPTION OF RESOLUTION.	6
SECTION 6. SEVERABILITY.	7
SECTION 7. EFFECTIVE DATE.....	7
APPENDIX A: AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS	A-1
APPENDIX B: PROOF OF PUBLICATION	B-1
APPENDIX C: FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL	C-1

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF CORAL GABLES, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN THE CITY OF CORAL GABLES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT FOR RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY; IMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; APPROVING THE SOLID WASTE ASSESSMENT ROLL; CONFIRMING THE AMENDED AND RESTATED INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission (the "City Commission") of the City of Coral Gables, Florida (the "City"), has enacted the Master Service Assessment Ordinance, Ordinance No. 2015-09 (the "Ordinance"), which authorizes the imposition of Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities and programs against certain Residential Property within the County;

WHEREAS, pursuant to Article III of Chapter 54 of the City of Coral Gables Code of Ordinances, the City has prescribed reasonable rules and regulations for the collection and disposal of Solid Waste and Recyclable Materials, including rates, fees, and charges, payment terms, and collection mechanisms.

WHEREAS, certain parcels of Residential Property within the City have become delinquent in payment of these rates, fees, and charges, which hinders the City's ability to efficiently and effectively provide Solid Waste and Recyclable Materials collection and

disposal services, facilities, and programs from both a financial and operational perspective; and

WHEREAS, the imposition of a Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs, including any Delinquencies, is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Residential Property;

WHEREAS, the City Commission desires to impose an assessment for Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs against Residential Property within all incorporated areas of the City using the tax bill collection method for the Fiscal Year beginning on October 1, 2016;

WHEREAS, the City Commission, on June 14, 2016, adopted Resolution No. 2016-149 (the "Amended and Restated Initial Assessment Resolution"), containing a brief and general description of the Solid Waste and Recyclable Materials collection and disposal services, facilities and programs to be provided to Residential Property, describing the method of apportioning the Solid Waste Cost to compute the Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs against Residential Property, designating a rate of assessment, which includes any Delinquencies, and directing preparation of the Solid Waste Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS the Amended and Restated Initial Assessment Resolution erroneously referred to Ordinance No. 2016-09 when the correct citation is Ordinance No. 2015-09, which scrivener's error is hereby corrected; and

WHEREAS, pursuant to the provisions of the Ordinance, the City is required to confirm or repeal the Amended and Restated Initial Assessment Resolution, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties and adopt a Final Assessment Resolution;

WHEREAS, the Solid Waste Solid Waste 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 13, 2016, 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 CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the Ordinance; the Amended and Restated Initial Assessment Resolution; Article VIII, Florida Constitution, sections 166.021 and 166.041, Florida Statutes, the City Charter of the City of Coral Gables, Florida, Article III of Chapter 54 of the City of Coral Gables Code of Ordinances, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Amended and Restated Final Assessment Resolution as defined in the Ordinance. All

capitalized terms in this resolution shall have the meanings defined in the Ordinance, Sec. 54-84 of the City of Coral Gables Code of Ordinances, and the Amended and Restated Initial Assessment Resolution.

SECTION 3. IMPOSITION OF SOLID WASTE SERVICE ASSESSMENTS.

(A) The parcels of Residential Property described in the Solid Waste Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs described in the Amended and Restated Initial Assessment Resolution, in the amount of the Solid Waste Service Assessment set forth in the Solid Waste Assessment Roll, a copy of which was present at the above referenced public hearing and is incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Residential Property within the City has been and will be benefited by the City's provision of Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs in an amount not less than the Solid Waste Service Assessment for such parcel, computed in the manner set forth in this Resolution, which shall include any Delinquencies attributable to that Tax Parcel.

(C) Adoption of this Amended and Restated Final Assessment Resolution constitutes a legislative determination that all parcels assessed derived a special benefit, as set forth in the Ordinance and the Amended and Restated Initial Assessment Resolution from the Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs that were provided and will be provided and a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among the

Residential Properties receiving the special benefit as set forth in the Amended and Restated Initial Assessment Resolution.

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

(E) For the Fiscal Year beginning October 1, 2016, the Solid Waste Cost of \$12,580,000.00 shall be allocated among all parcels of Residential Property, based upon each parcels' classification as Residential Property and the number and type of Dwelling Units for such parcels, plus any Delinquency allocated to that Tax Parcel. The following annual rates of assessment are hereby approved for the Fiscal Year beginning October 1, 2016:

Property Type	Rate
General Residential Property	\$869 per Dwelling Unit *
Auxiliary Living Units	\$416 per Dwelling Unit *

* plus any Delinquencies attributable to that Residential Property

Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities and programs in the amounts set forth in the Solid Waste Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Residential Property described in the Solid Waste Assessment Roll.

(F) 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 City 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.

(G) 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 Amended and Restated Final Assessment Resolution based upon the rates of assessment approved herein.

(H) Solid Waste Service Assessments shall constitute a lien upon the Residential 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.

(I) The Solid Waste 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 Solid Waste Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Solid Waste Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF AMENDED AND RESTATED INITIAL ASSESSMENT RESOLUTION. The Amended and Restated Initial Assessment Resolution is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Amended and Restated 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 Solid Waste Assessment Roll and the levy and lien of the Solid Waste Service Assessments) 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 6. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this resolution.

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

PASSED AND ADOPTED THIS 13TH DAY OF SEPTEMBER, A.D., 2016.

(Moved: / Seconded:)
(Yeas:)
(Unanimous:)
(Agenda Item:)

APPROVED:

JIM CASON
MAYOR

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

WALTER J. FOEMAN
CITY CLERK

CRAIG E. LEEN
CITY ATTORNEY

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Diana M. Gomez and Tammy Peters, who, after being duly sworn, depose and say:

1. Diana M. Gomez, as Finance Director of the City of Coral Gables, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Solid Waste Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Master Service Assessment Ordinance adopted by the City Commission on May 26, 2015 (the "Assessment Ordinance") and in conformance with the Amended and Restated Initial Assessment Resolution adopted by the City Commission on June 14, 2016 (the "Amended and Restated Initial Assessment Resolution").

2. In accordance with the Assessment Ordinance and the Amended and Restated Initial Assessment Resolution, Ms. Gomez timely provided all necessary information for notification of the Solid Waste Service Assessment to the Property Appraiser of Miami-Dade County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; 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 City 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; 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. Sandi Melgarejo is Project Coordinator for GSG. GSG has caused the notices required by the Assessment Ordinance and the Amended and Restated Initial Assessment Resolution for Tax Parcels with delinquent solid waste charges to be prepared in conformance with the Amended and Restated Initial Assessment Resolution. An exemplary form of such notice is attached hereto. GSG 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 total amount proposed to be levied against each parcel; 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 City 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; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing City Commission within 20 days of the notice; and the date, time, and place of the hearing.

4. On or before August 23, 2016, GSG caused the mailing of the above-referenced notices in accordance with Sections 2.05 of the Assessment Ordinance and the Amended and Restated Initial Assessment Resolution by First Class Mail to each affected owner, 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 collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.

Diana M. Gomez, affiant

Sandi Melgarejo, affiant

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ____ day of _____, 2016 by Diana M. Gomez, Finance Director, City of Coral Gables, Florida. She is personally known to me or has produced as identification and did take an oath.

Printed Name: _____
Notary Public,
State of Florida At Large
My City Commission Expires: _____
City Commission No.: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ____ day of _____, 2016 by Sandi Melgarejo, Project Coordinator, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced ___ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
My Commission Expires: _____
Commission No.: _____

APPENDIX B
PROOF OF PUBLICATION

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 Mayor, or authorized agent of the City of Coral Gables, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste management and disposal services (the "Non-Ad Valorem Solid Waste Assessment Roll") for the City 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 Solid Waste Assessment Roll will be delivered to the Miami-Dade County Tax Collector by September 15, 2016.

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 Solid Waste Assessment Roll this ____ day of _____, 2016.

THE CITY OF CORAL GABLES, FLORIDA

By: _____
Mayor

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