
CITY OF CORAL GABLES, FLORIDA

**ANNUAL RATE RESOLUTION
SOLID WASTE**

RESOLUTION NO. 2017-252

ADOPTED SEPTEMBER 14, 2017

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CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-252

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; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF CORAL GABLES, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; APPROVING THE RATE OF ASSESSMENT; APPROVING THE SOLID WASTE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission (the "Commission") of the City of Coral Gables, Florida (the "City"), has enacted Ordinance No. 2015-09, as codified in Article VI, Chapter 14 of the Coral Gables Code of Ordinances (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities and programs against certain Assessed Property within the City; and

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

WHEREAS, the Commission desires to reimpose an assessment for Solid Waste and Recyclable Materials collection and disposal services, facilities and programs within the City using the tax bill collection method for the Fiscal Year beginning on October 1, 2017; and

WHEREAS, the Commission, on June 13, 2017, adopted Resolution No. 2017-153 (the "Preliminary 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, and directing preparation of the Solid Waste Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, in order to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2017, the Ordinance requires the City to adopt an Annual Assessment Resolution, during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Solid Waste Assessment Roll for the upcoming Year, with such amendments as the Commission deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated Solid Waste Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of a public hearing scheduled for September 14, 2017 has been published and, if required by Section 14-180 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 14, 2017, 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. 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.

SECTION 2. AUTHORITY. This resolution is adopted pursuant to the Ordinance; Resolution No. 2016-149 (the "Amended and Restated Initial Assessment Resolution"); Resolution No. 2016-207 (the "Amended and Restated Final Assessment Resolution") and Resolution No.2017-153 (the "Preliminary Assessment Resolution "); Article VIII, Florida Constitution; the City Charter of the City of Coral Gables, Florida; Article III of Chapter 54 of the City of Coral Gables Code of Ordinances; sections 166.021 and 166.041, Florida Statutes; and other applicable provisions of law.

SECTION 3. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Annual Assessment Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have the meanings defined in the Ordinance, the Amended and Restated Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, and the Preliminary Assessment Resolution .

SECTION 4. REIMPOSITION OF SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS.

(A) The parcels of Assessed 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 Preliminary Assessment Resolution in the amount of the Solid Waste Service Assessment set forth in the updated 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 Assessed Property within the City 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 the Preliminary Assessment Resolution.

(C) Adoption of this Annual Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Ordinance, the Initial Assessment Resolution and the Preliminary Assessment Resolution , from the Solid Waste and Recyclable Materials collection and disposal services, facilities and 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 Preliminary Assessment Resolution .

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

(E) For the Fiscal Year beginning October 1, 2017, the Solid Waste Cost of \$9,500,000 shall be allocated among all parcels of Assessed Property, based upon the following rates of assessment:

Property Type	Rate
General Residential Property	\$878 per Dwelling Unit *
Auxiliary Living Units	\$439 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 Assessed 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 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 14-188 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 Annual Assessment Resolution based upon the rates of assessment approved herein.

(H) Such Solid Waste Service Assessments 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.

(l) 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 Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 5. CONFIRMATION OF PRELIMINARY ASSESSMENT RESOLUTION .

The Preliminary Assessment Resolution is hereby confirmed.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual 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 for Solid Waste and Recyclable Materials collection and disposal 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 Annual Rate Resolution.

SECTION 7. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF SEPTEMBER, A.D., 2017.
(Moved: Quesada / Seconded: Keon)
(Yeas: Mena, Quesada, Keon, Valdes-Fauli)
(Majority: (4-0) Vote)
(Absent: Lago)
(Agenda Item: 2)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



For WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN.
CITY ATTORNEY

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

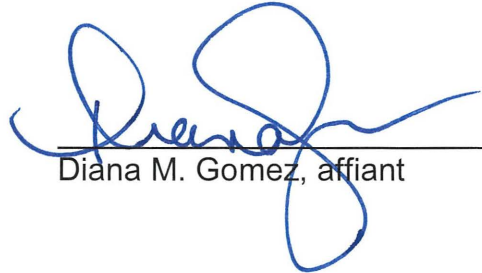
BEFORE ME, the undersigned authority, personally appeared Diana M. Gomez, who, after being duly sworn, deposes and says:

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 Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Master Service Assessment Ordinance (Ordinance No. 2015-09) , as codified in Article VI, Chapter 14 of the Coral Gables Code of Ordinances (the "Assessment Ordinance") and in conformance with the Preliminary Assessment Resolution (Resolution No. 2017-153) adopted by the City Commission on June 14, 2017 (the "Preliminary Assessment Resolution").

2. In accordance with the Assessment Ordinance and the Preliminary 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.

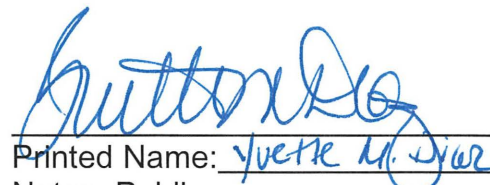
FURTHER AFFIANT SAYETH NOT.



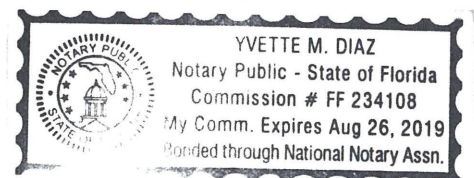
Diana M. Gomez, affiant

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

1st The foregoing Affidavit of Mailing was sworn to and subscribed before me this September day of September, 2017 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: Yvette M. Diaz
Notary Public,
State of Florida At Large
My Commission Expires: _____
Commission No.: _____



APPENDIX B

PROOF OF PUBLICATION

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 MARIA MESA, who on oath says that he or she is the LEGAL CLERK, 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

CITY OF CORAL GABLES - NOTICE OF HEARING TO IMPOSE
AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE
SPECIAL ASSESSMENTS - SEPT 14, 2017

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

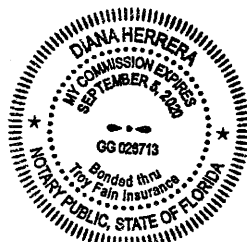
08/18/2017

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade 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.

Sworn to and subscribed before me this
18 day of AUGUST, A.D. 2017

(SEAL)

MARIA MESA personally known to me



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

Notice is hereby given that the City Commission of Coral Gables, Florida will conduct a public hearing to consider reimposing solid waste service assessments against residential properties located within the incorporated area of the City to fund the cost of solid waste and recyclable materials collection and disposal 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 4:30 p.m. on September 14, 2017, in the Commission Chambers, 405 Biltmore Way, Coral Gables, 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 City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City 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.

Any person who needs assistance in another language in order to speak during the public hearing or public comment portion of the meeting should contact the City's ADA Coordinator Raquel Elejabarrieta, Esq., Director of Labor Relations and Risk Management (E-mail: relejabarrieta@coralgables.com, telephone: 305-722-8686, TTY/TDD: 305-442-1600), at least three (3) business days before the meeting.

Any person with a disability requiring communication assistance (such as a sign language interpreter or other auxiliary aide or service) in order to attend or participate in the meeting should contact the City's ADA Coordinator Raquel Elejabarrieta, Esq., Director of Labor Relations and Risk Management (E-mail: relejabarrieta@coralgables.com, telephone: 305-722-8686, TTY/TDD: 305-442-1600), at least three (3) business days before the meeting.

The assessments will be determined by multiplying the number of dwelling units on each parcel of residential property by the annual rate of assessment. The rates of assessment for the fiscal year beginning on October 1, 2017, are as follows:

Property Type	Rate
General Residential Property	\$878 per Dwelling Unit *
Auxiliary Living Units	\$439 per Dwelling Unit *

* plus any Delinquencies attributable to that Residential Property.

Any parcels of residential property with unpaid fees and accrued interest for solid waste and recyclable materials collection and disposal services, facilities and programs provided to such parcels shall have those amounts, plus reasonable administrative and collection costs, included in that parcel's annual assessment. Any residential property that elects to prepay its annual assessment in full by August 15, 2017 may do so and be removed from the final assessment roll.

Copies of the Master Service Assessment Ordinance, the Amended and Restated Initial Assessment Resolution for Solid Waste Services, the Amended and Restated Final Assessment Resolution for Solid Waste Services, and the updated assessment roll, showing the amount of the assessment to be imposed against each parcel of property are available for inspection at the office of the Finance Director, City Hall, located at 405 Biltmore Way, Coral Gables, Florida. The assessments will be collected on the ad valorem tax bill to be mailed in November 2017, 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 Finance Director's office at 305-460-5276, Monday through Friday between 8:30 a.m. and 5:00 p.m.

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 of the City Commission or the 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 services (the "Non-Ad Valorem 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 Assessment Roll will be delivered to the Miami-Dade County Tax Collector by September 15, 2017.

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 15th day of September, 2017.

CITY OF CORAL GABLES, FLORIDA

By: _____
Mayor

[to be delivered to Miami-Dade County Tax Collector prior to September 15]