
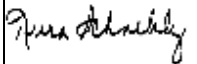



August 6, 2009		AGENDA ITEM		Item 40
<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input checked="" type="checkbox"/> Other	
Department: Public Works		File Number: VC-1245678230811-A		
Division: Solid Waste				
Subject: Solid waste non ad valorem assessment increase.				
Account Number(s): N/A				
Total Item Budget: N/A				
Staff Contact(s): Leonard Marion Phone: 943-7889 ext. 6021				
Summary/Highlights: In 1989, the county council established a mandatory solid waste collection and disposal special assessment district for the unincorporated county. Mandatory residential garbage collection ensures proper disposal of waste curtail illegal dumping. The assessment funds solid waste collection and disposal for the district. The current fee is \$132/year/residential improved real property. The fee is capped at that amount. To adequately fund the district, staff recommends adoption of the attached resolution setting the non ad valorem assessment at \$197/year/residential improved real property for Fiscal year 2009-2010 and capping the assessment at \$240 unless due notice is given under section 197.3632, Florida Statutes, or as otherwise provided by law. In accordance with statute, staff has advertised the public hearing and sent letters of notification by first class mail to owners of improved residential property in the unincorporated area of the county.				
Recommended Motion: Approval.				
George Recktenwald Director Public Works  Leonard Marion Director Solid Waste No Signature Present	OMB No Signature Present Approved as to Budget Requirements	Legal  Approved as to Form and Legality	Betty Holness County Manager's Office  Approved Agenda Item For: August 6, 2009	
Council Action: <input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:		Modification:		

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, PROVIDING THE MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SPECIAL ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-2010 SHALL BE \$197.00 PER RESIDENTIAL IMPROVED REAL PROPERTY; PROVIDING A CAP FOR FUTURE YEARS OF \$240.00 PER RESIDENTIAL IMPROVED REAL PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 106-98, of the Code of Ordinances of the County of Volusia imposes a mandatory solid waste collection and disposal special assessment district for the residential unincorporated areas of Volusia County and provides that the amount of such assessment shall be set and may be amended from time to time by resolution of the county council; and

WHEREAS, this resolution must be adopted at a public hearing, and the public hearing for this resolution was duly advertised for this date and time.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 6th DAY OF AUGUST, 2009, A.D., AS FOLLOWS:

SECTION I: The county council hereby sets \$197.00 per residential improved real property as the annual special assessment charge for the collection of solid waste for the fiscal year 2009-2010. The annual special assessment charge for future fiscal years shall not exceed \$240.00 unless due notice is provided in accordance with Section 197. 3632, Florida Statutes, or as otherwise provided by law.

SECTION II: The special assessment charge shall be levied on all non-exempt residential improved real property within the Volusia County Mandatory Solid Waste Collection and Disposal Special Assessment District which is coincident with the Unincorporated Area Municipal Service District.

SECTION III: All owners of real property in the mandatory solid waste collection and disposal special assessment district subject to assessment in this Resolution have been provided due notice under Section 197.3632, Florida Statutes.

SECTION IV: The method of collection of mandatory solid waste collection and disposal special assessment district charge shall be the placement on the tax bill, as a non-ad-valorem assessment pursuant to F.S. §§ 197.3631--197.3635, or an alternative method of collection; provided, however, that applicable improved residential property not included on the property appraiser assessment roll and not billed as a special assessment charge on the annual tax bill shall be billed a pro rata portion of the annual charge for the remaining months of the fiscal year and for the next fiscal year, if applicable. The total amount shall be collected by the county when permanent electrical service is authorized (certificate of occupancy issued) or solid waste collection service is authorized, whichever shall occur first.

SECTION V: All Resolutions and parts of Resolutions in conflict herewith, are hereby repealed.

SECTION VI: This resolution shall become effective immediately upon its adoption.

DONE AND ORDERED IN OPEN MEETING.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

James T. Dinneen, County Manager/Clerk

Frank T. Bruno, Jr., County Chair

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING WILL BE HELD AT 2:30 P.M. ON AUGUST 6, 2009, IN THE COUNTY COUNCIL CHAMBERS, 2ND FLOOR, THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA TO INCREASE THE SOLID WASTE NON AD VALOREM ASSESSMENT. THE COUNTY OF VOLUSIA USED THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF THE NON AD VALOREM ASSESSMENT PURSUANT TO FLORIDA STATUTE 197.3632.

ALL NON-EXEMPT RESIDENTIAL IMPROVED REAL PROPERTY WITHIN THE VOLUSIA COUNTY MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SPECIAL ASSESSMENT DISTRICT SAID DISTRICT BEING COINCIDENT WITH THE UNINCORPORATED AREA MUNICIPAL SERVICE DISTRICT AS DESCRIBED IN AND ADOPTED IN ORDINANCE NO. 73-21 ARE SUBJECT TO THIS ASSESSMENT.

THE PURPOSE OF THE ASSESSMENT IS TO FUND SOLID WASTE COLLECTION AND DISPOSAL FOR THE VOLUSIA COUNTY MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SPECIAL ASSESSMENT DISTRICT. THE TOTAL AMOUNT PROPOSED TO BE LEVIED PER RESIDENTIAL IMPROVED REAL PROPERTY UNIT IS \$197.00 FOR FISCAL YEAR 2009-2010 AND THEREAFTER, UNLESS OTHERWISE CHANGED BY THE VOLUSIA COUNTY COUNCIL FOR FUTURE YEARS; PROVIDED HOWEVER THAT ANY INCREASE APPROVED BY THE VOLUSIA COUNTY COUNCIL IS CAPPED AT \$240.00 UNLESS DUE NOTICE IS GIVEN UNDER SECTION 197.3632, FLORIDA STATUTES, OR OTHERWISE PROVIDED BY LAW.

THIS ASSESSMENT SHALL BE COLLECTED BY THE TAX COLLECTOR. ALL AFFECTED PROPERTY OWNERS HAVE THE RIGHT TO APPEAR AT THE PUBLIC HEARING AND THE RIGHT TO FILE WRITTEN OBJECTIONS WITHIN 20 DAYS OF THE PUBLICATION OF THIS NOTICE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COUNTY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS, INCLUDING ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. TO THAT END, SUCH PERSON WILL WANT TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THE PROCEEDINGS SHOULD CONTACT THE VOLUSIA COUNTY MANAGER'S OFFICE AT 386-736-5920, EXT. 2398, FOR ASSISTANCE AT LEAST TWO BUSINESS DAYS BEFORE THE DATE OF THE MEETING.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

JAMES DINNEEN
COUNTY MANAGER/CLERK
COUNTY OF VOLUSIA, FLORIDA



July 13, 2009

Notice to Property Owner:

The County of Volusia is noticing all non exempt residents within the Volusia County Mandatory Solid Waste Collection and Disposal Special Assessment District of the County's intent to increase the Solid Waste Non-Ad Valorem assessment. The County of Volusia uses the Uniform Method for the Levy, Collection and Enforcement of the non-ad valorem assessment pursuant to Florida Statute 197.3632.

A public hearing will be conducted by the County Council of Volusia County, Florida on August 6, 2009 at 2:30 p.m. in the County Council Chambers, 2ND floor, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, Deland, Florida concerning the Solid Waste Assessment increase. All property owners have the right to appear at the hearing and may file written objections within 20 days of the public hearing. Written comments should be sent to Volusia County Solid Waste Division, 3151 E. New York Avenue, Deland, Florida 32724.

The purpose of the assessment is to fund solid waste collection and disposal for the Volusia County Mandatory Solid Waste Collection and Disposal Special Assessment District, said district being coincident with the Unincorporated Area Municipal Service District as described in and adopted in Ordinance NO. 73-21.

The total amount proposed to be levied per residential improved real property is \$197 per year for Fiscal Year 2009-2010 and thereafter unless changed by the Volusia County Council for future years; provided, however that any revision approved by the Volusia County Council is capped at \$240 unless due notice is given under Section 197.3632, Florida Statutes, or as otherwise provided by law.

The revenue from the Solid Waste Assessment is estimated to be \$8,637,268 for the fiscal year beginning October 1, 2009 and ending September 30, 2010.

Failure to pay the assessment will cause a tax certificate to be issued against your property and may result in loss of title.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Marion", is written over a light blue rectangular background.

Leonard L. Marion
Solid Waste Director



County Manager

FRANK T. BRUNO JR.
COUNTY CHAIR

JOIE ALEXANDER
VICE-CHAIR, AT-LARGE

ANDY KELLY
DISTRICT 1

JOSHUA J. WAGNER
DISTRICT 2

JACK H. HAYMAN
DISTRICT 3

CARL G. PERSIS
DISTRICT 4

PATRICIA NORTHEY
DISTRICT 5

JAMES T. DINNEEN
COUNTY MANAGER

July 28, 2009

RE: Proposed increase in solid waste collection fee

Dear Volusia County Solid Waste Customer:

You received a letter dated July 13, 2009 regarding a proposed increase to the county's annual fee for weekly curbside solid waste collection and recycling service, which provided the information in the manner to meet legal requirements of state law. I offer today a more user friendly and comprehensive explanation of the reasons for the proposed increase and respond to questions raised by many of you as recipients of that letter.

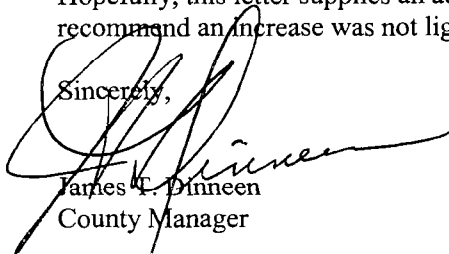
No one likes fee increases, especially in light of today's difficult economy that is having an adverse financial impact on many Volusia residents. The reason for the proposed fee increase is that the current fee amount doesn't pay for the cost of this service. The county pays a private company to do the weekly, curbside collection and disposal of refuse and recyclables. Like most everything else, the contractor's cost of fuel, labor, maintenance, and other operating expenses have increased in the five years this fee amount has existed. The county has not adjusted this fee since 2004. The county does not profit with this fee increase proposal, but recovers what it pays the contractor and recoups over time a subsidy provided by other funds for the last three years.

As proposed, the fee would increase from the current \$132 per year to \$197 annually, beginning in October. This is a \$65 increase per year -- \$5.41 per month. The fee increase would apply to about 44,500 residences in unincorporated Volusia County. You should know that residents living within Volusia cities pay a similar fee amount but some cities bill monthly, some annually.

The county uses the tax bill as the vehicle to charge and collect the fee. However, this is a fixed fee charged once a year per residence, unlike the property tax which is based on assessed property valuation. While state law authorizes the county to place a lien on properties for failure to pay, this is a measure of extreme last resort. State law requires the county to use the "failure to pay" language in the last paragraph of the notice (or multiple notices if you own multiple properties) you received July 13, 2009.

Hopefully, this letter supplies an adequate explanation and assures each of you that the decision to recommend an increase was not lightly made.

Sincerely,



James T. Dinneen
County Manager

For more information about the proposed fee increase, please call Volusia County Solid Waste at 386/943-7889. Internet users can visit Volusia.org/recycle.

123 West Indiana Avenue, Room 301 • DeLand, FL 32720-4612
Tel: (386) 736-5920, 257-6011, 423-3860 • FAX: (386) 822-5707

www.volusia.org