
M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: CONDO SOLID WASTE
DATE: 11/22/2021

As discussed in the November 1st meeting, the Commission approved staff to move forward with the task of moving the solid waste billing for condominiums back to a non-ad valorem next year. After the meeting, staff placed an add in the newspaper over the past four weeks alerting the residents of a public hearing to be held at this months Commission meeting on December 6th.

At this meeting the Commission will be asked to approve the resolution to be sent to the Tax Collector indicating that we will be adding a non-ad valorem for condominiums. This resolution attached is required to be sent to the Tax Collector no later than December 31st. Once this is approved, staff can put together letters to be mailed to the condominium owners alerting them of this change and hold the additional meetings/hearings for final approval.

This change will remove approximately 225 customers from manual billing and add them back to non-ad valorem when the addresses are certified next year.

If further information is needed, please let me know.

RESOLUTION NO. 21-32

**CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY**

RE: EXPRESSING THE INTENT OF THE CITY OF ST. AUGUSTINE BEACH TO USE THE UNIFORM METHOD FOR THE LEW, COLLECTION, AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENT PROVIDED FOR IN CHAPTER 197, FLORIDA STATUTES, SECTION 197.3632, FOR THE PROVISION OF DISPOSAL OF SOLID WASTE AND RECYCLING; PROVIDING THAT THE NON-AD VALOREM ASSESSMENT SHALL BE INCLUDED IN THE COMBINED NOTICE FOR AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS PROVIDED IN CHAPTER 197, FLORIDA STATUTES, SECTION 197.3635; PROVIDING THAT THE NON-AD VALOREM ASSESSMENT SHALL BE COLLECTED IN THE SAME MANNER AS AD VALOREM TAXES; PROVIDING THAT THIS NON-AD VALOREM ASSESSMENT IS NEEDED IN ORDER TO DISPOSE OF SOLID WASTE AND RECYCLING WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. AUGUSTINE BEACH; PROVIDING FOR THE LEGAL DESCRIPTION OF THE CORPORATE LIMITS OF THE CITY OF ST. AUGUSTINE BEACH WHICH SHALL BE SUBJECT TO THE NON-AD VALOREM LEW; PROVIDING THAT THE PUBLIC HEARING ON THIS RESOLUTION WAS DULY ADVERTISED; PROVIDING THAT THE CLERK OF THE CITY OF ST. AUGUSTINE BEACH SHALL MAIL CERTIFIED COPIES OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Commission of St. Augustine Beach, St. Johns County, Florida in regular meeting duly assembled on Monday, December 6, 2021, resolves as follows:

WHEREAS, by the authority created in Chapter 166, Florida Statutes, Section 166.021, and within Section 2 (b), Article VIII, of the Constitution of the State of Florida, municipalities have the governmental, corporate, and proprietary power to conduct municipal government, perform municipal functions, and render municipal services and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, such statutory and constitutional authorization includes the ability to levy a special assessment for the provision of disposal of solid waste and recycling within the corporate limits of the City of St. Augustine Beach; and

WHEREAS, Chapter 197, Florida Statutes, Section 197.3632, sets forth the required procedure to be followed by a local government in order to elect the use of the uniform method of levying, collecting, and enforcing non-ad valorem assessments; and

WHEREAS, assessment for the provision of disposal of solid waste has been heretofore assessed and collected by St. Johns County, Florida through an interlocal agreement and the City of St. Augustine Beach intends to take over the assessment and no longer defer this power to St. Johns County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, AS FOLLOWS:

Section 1. Intent to Use Uniform Method. The City Commission of the City of St. Augustine Beach intends to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments for the provision of disposal of solid waste and recycling within the corporate limits of the City of St. Augustine Beach, pursuant to Chapter 197, Florida Statutes, Section 197.3632 and 197.3635.

Section 2. Need for Law. The levy of non-ad valorem assessment for the provision of disposal of solid waste and recycling is necessary in order to fund a comprehensive, coordinated, economical, and efficient disposal of solid waste and recycling program within the corporate limits of the City of St. Augustine Beach.

Section 3. Legal Description of Area Subject to Law. The incorporated area of the City of St. Augustine Beach shall be subject to the levy and collection of the non-ad valorem assessment and is legally described in Section 1-2 of Article 1 of the Charter of the City of St. Augustine Beach and in official documents in the possession of the Clerk of the City of St. Augustine beach. Said legal description is attached hereto and incorporated herein as *Exhibit "A."*

Section 4. Combined Notice for Ad Valorem Taxes and Non-Ad Valorem Assessments. The non-ad valorem assessment that shall be levied using the uniform method provided for in Chapter 197, Florida Statutes, Section 197.3632, shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in Chapter 197, Florida Statutes, Section 197.3635.

Section 5. Non-Ad Valorem Assessment Subject to Collection Procedures for Ad Valorem Taxes. The non-ad valorem assessment collected pursuant to Chapter 197, Florida Statutes, Section 197.3632, shall be

subject to the collection procedures provided for in Chapter 197, Florida Statutes, for ad valorem taxes and includes discount for early payment, prepayment by installment method, deferred payments, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

Section 6. Public Hearing on Non-Ad Valorem Assessment Roll. The City Commission shall adopt a non-ad valorem assessment roll of the property to be assessed within the corporate limits of the City of St. Augustine Beach at a public hearing held between January 3, 2022, and September 6, 2022.

Section 7. Copy of Resolution. The Clerk of the City of St. Augustine Beach is hereby directed to mail a certified copy of this Resolution by United States mail to the St. Johns County Property Appraiser, the St. Johns County Tax Collector, and the State of Florida Department of Revenue by January 1, 2022.

RESOLVED AND DONE, this 6th day of December 2021, by the City Commission of the City of Saint Augustine Beach, Saint Johns County, Florida.

Margaret England, Mayor

ATTEST:

Max Royle, City Manager