BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date April 16, 2003 **Division** **County Attorney**

AGENDA ITEM WORDING

Request for approval of Agreement for Services of the Tax Collector in levying and collecting residential solid waste non-ad valorem assessments within the City of Marathon.

ITEM BACKGROUND

Necessary for the Board to renew the collection of non-ad valorem assessments with Marathon.

PREVIOUS RELEVANT BOCC ACTION

Approved resolution stating BOCC's intent to levy non-ad valorem assessments for residential solid waste in Marathon at the December 2, 2002 meeting.

CONTRACT/AGREEMENT CHANGES

N/A

STAFF RECOMMENDATIONS

Approval.

TOTAL COST BUDGETED Yes No

COST TO COUNTY SOURCE OF FUNDS
In-house staff time.

APPROVED BY: County Attorney ■ OMB/Purchasing □ Risk Management □

DIVISION DIRECTOR APPROVAL: J. R. COLLINS

DOCUMENTATION: Included □ To Follow □ Not Required □

AGENDA ITEM # B6

AGREEMENT FOR SERVICES OF THE TAX COLLECTOR FOR THE COLLECTION RESIDENTIAL SOLID WASTE NON-AD VALOREM ASSESSMENTS WITHIN THE CITY OF MARATHON, FLORIDA

THIS AGREEMENT is entered into on this _____ day of _____, 2003, by and between the Monroe County Board of County Commissioners (the Board) and Danise Henriquez in her official capacity as the Monroe County Tax Collector (the Tax Collector) for the Tax Collector's services collecting the Monroe County Solid Waste Municipal Service Benefit Unit (MSBU) non-ad valorem assessment on residential property pursuant to the Uniform Method of non-ad valorem assessment and collection provided for in Sec. 197.3632, FS.

WHEREAS, on December 18, 2002, the Board, acting as the MSBU governing board, passed a resolution (copy attached) declaring its intent to levy MSBU non-ad valorem assessments on residential property within the City of Marathon (City) for the purpose of collection and disposal of solid waste;

WHEREAS, the City Council consented to such levy in Resolution No. 02-07-90 (copy attached); now, therefore

IN CONSIDERATION of the mutual promises and consideration set forth below, the parties agree as follows:

1. The parties agree that the MSBU non-ad valorem assessments described in this Agreement are those provided for in Sec. 197.3632, FS, the Uniform Method of non-ad valorem assessments, and are subject to all the terms and conditions of that statute, all other applicable statutes, and Chap. 12D-18, FAC.

2. The Tax Collector shall cause the MSBU non-ad valorem assessment for the collection and disposal of residential solid waste within the City to be merged with the ad valorem roll to produce one collection roll.

3. The MSBU non-ad valorem assessments shall be included in the combined notice for ad valorem taxes and non-ad valorem taxes as provided in Sec. 197.3635, FS.

4. The Tax Collector is responsible for all the duties specified or permitted of the Tax Collector in Sec. 197.3632, FS, and Chap. 12D-18, FAC.

5. The Board shall compensate the Tax Collector the actual costs of collecting the MSBU non-ad valorem assessment. The compensable costs include, but are not limited to, costs associated with personnel, forms, supplies, data processing, computer equipment, postage, pro rata insurance premiums and programming.

6. This Agreement is binding on the successors and assigns of the parties unless terminated as provided in paragraph 3.

7. The term of this Agreement shall commence upon the date first above written and shall run year to year thereafter. However, the Board shall inform the Tax Collector by January 10 in any calendar year if the Board intends to discontinue using the Uniform Method of collecting the non-ad valorem assessments referred to in this Agreement. Such notice shall terminate this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 2003.

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

By _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Mayor/Chairperson

ATTEST:

By _____

TAX COLLECTOR
OF MONROE COUNTY

By _____
Danise Henriquez

JconCOM.TC

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY _____
ROBERT N. WOLFE
DATE 4-1-03

RESOLUTION NO. 02-07-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA REQUESTING MONROE COUNTY TO PROVIDE FOR THE COLLECTION, TRANSFER AND DISPOSAL OF RESIDENTIAL SOLID WASTE WITHIN THE CITY FOR FISCAL YEAR 2002-03; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH THE COUNTY TO DELINIATE THE TERMS AND CONDITIONS OF THE COUNTY'S PROVISION OF SUCH SERVICES; REQUESTING THE COUNTY TO CREATE A RESIDENTIAL SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT FOR THE CITY FOR FISCAL YEAR 2003-04; AUTHORIZING THE CITY ATTORNEY TO PREPARE AN ORDINANCE INCLUDING THE CITY IN THE BOUNDARIES OF A SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT TO BE ADMINISTERED BY MONROE COUNTY FOR FISCAL YEAR 2003-04; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, for Fiscal Year 2002-03 the City intends on levying a non ad valorem special assessment on residential properties located within the City to cover the cost of providing solid waste services and further intends on contracting with the County to provide such services; and

WHEREAS, for Fiscal Year 2003-04, the City intends on joining the County's Solid Waste Municipal Services Benefit Unit for the provision of solid waste services; and

WHEREAS, in accordance with Chapters 125 and 166, Florida Statutes, and Chapter 8 of the Monroe County Code, the City may request inclusion in and/or the creation by the County of a Municipal Service Benefit Unit for the collection, transfer and disposal of residential solid waste.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. Recitals.

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

Section 2. Residential Solid Waste Services for Fiscal Year 2002-03.

The City desires to contract with the County to provide for the collection, transfer and disposal of residential solid waste. The City Manager shall be authorized to enter into negotiations with the County to prepare an Interlocal Agreement to delineate the terms and conditions of the provision of such services. Funds collected by the City through its solid waste non ad valorem assessment shall be utilized to pay the County for providing such services. Moreover, the collection, transfer and disposal of commercial solid waste and all costs associated with such shall be the responsibility of Monroe County.

Section 3. Residential Solid Waste Collection for Fiscal Year 2003-04.

The City requests the County to either include the City or create a Municipal Service Benefit Unit for the provision of the collection, transfer and disposal of residential solid waste throughout the City. The City shall timely take all procedural steps required to allow for the creation of or inclusion by the County of the City in such a Municipal Service Benefit Unit. The City Attorney shall prepare an ordinance as required by Section 125.01(1)(q), Florida Statutes and Chapter 8 of the Monroe County Code consenting to the inclusion of the City's boundaries in such a Municipal Service Benefit Unit.

Section 4. **Effective Date.**

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 30th day of July, 2002.

JOHN BARTUS, MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY