

RESOLUTION NO. 09- 166

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS APPROVING
THE SCHEDULE OF SPECIAL RATES AND CHARGES FOR NON-
RESIDENTIAL IMPROVED REAL PROPERTY, AND IMPROVED REAL
PROPERTY NOT WITHIN THE BENEFIT UNIT, AND THE SCHEDULE OF
COMPENSATION RATES TO BE PAID COLLECTORS FOR CURBSIDE
COLLECTION PROVIDED TO ALL IMPROVED RESIDENTIAL REAL
PROPERTY WITHIN THE SOLID WASTE COLLECTION AND RECYCLING
BENEFIT UNIT FOR COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2009

WHEREAS, under the authority of Chapter 403.706, Florida Statutes, Brevard County has the responsibility and power to provide for the operation of solid waste management facilities to meet the needs of all areas of the county; and

WHEREAS, Chapter 67-1146, Laws of Florida, 1967 as amended by Chapter 70-594, Laws of Florida, 1970, authorized the Board of County Commissioners of Brevard County, Florida to construct, operate and maintain a solid waste disposal system for the use and benefit of the inhabitants and municipalities of Brevard County; and

WHEREAS, said statutory authority granted the Board of County Commissioners the power to prescribe, fix, establish and collect fees, rentals or other charges for the use of said established solid waste disposal system and to pledge such revenues as security for the payment of bonds issued under said statutory authority for the construction of a solid waste disposal facility; and

WHEREAS, Florida Statutes, Section 125.01(1)(k) grants the Board of County Commissioners the power to provide and regulate waste collection and disposal; and

WHEREAS, Chapter 403.706, Florida Statutes, requires that Brevard County plan and implement an efficient and environmentally acceptable solid waste management program to handle solid waste generated within the County and to provide for reduction in the amount of said solid waste disposed of at the County's solid waste management facilities through the implementation of a recycling program; and

WHEREAS, the statewide goal of the Solid Waste Management Act of 1988 is to reduce the amount of municipal solid waste being disposed of at the solid waste management facility by at least 30 percent by 1994; and

WHEREAS, the act requires counties to develop and implement recycling programs within their jurisdictions to return valuable materials to productive use, to conserve energy and natural resources, and to protect capacity at solid waste management facilities; and

WHEREAS, on June 20, 1989 the Brevard County Board of County Commissioners approved the Brevard County Recycling Plan; and

WHEREAS, Chapter 94, Article IV., Division 2., Brevard County Code of Ordinances, as amended, authorized the Board of County Commissioners to impose an annual collection special assessment against all improved residential real property and an annual recycling program special assessment for all improved real property within the Brevard County Solid Waste Collection and Recycling Program Municipal Service Benefit Unit, "Benefit Unit"; and

WHEREAS, Chapter 94, Article IV., Division 2., Brevard County Code of Ordinances, as amended, provides that on or before the fifteenth day of September of each year the Board of County Commissioners of Brevard County, Florida, shall hold a public hearing for the purpose of adopting a schedule of annual assessments, rates and charges to be imposed upon the owners of all residential and commercial improved real property within the unincorporated areas of Brevard County for the ensuing County fiscal year and to establish the rates, assessments and charges that shall apply to commercial improved real property and to residential improved real property not within the "Benefit Unit"; and

WHEREAS, Chapter 94, Article IV., Division 2., Brevard County Code of Ordinances, as amended, provides each year the Board of County Commissioners of Brevard County, Florida, shall approve the amount and method of payment to the collector for his performance under the collection agreement within the "Benefit Unit"; and

WHEREAS, said public hearing was set for August 18, 2009 at 9:00 a.m., in the Brevard County Government Center, Commission Board Room, Building C, First Floor, 2725 Judge Fran Jamieson Way, Viera, Florida; and

WHEREAS, notice of said public hearing was published in the July 29, 2009 and August 11, 2009 issues of the FLORIDA TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Section 1. SPECIAL RATES AND CHARGES. The Board of County Commissioners does hereby adopt a Schedule of Rates for containers for all non-residential improved real property within the unincorporated area of Brevard County and rates for all residential improved real property within said unincorporated areas, but not within the "Benefit Unit," which Schedule of Special Rates and Charges is attached hereto as Schedule "A".

Section 2. COMPENSATION RATES. The Board of County Commissioners does hereby adopt compensation rates to be paid to the collector for curbside solid waste and recycling collection services provided to all residential improved real property within the "Benefit Unit" which Schedule of Compensation Rates is attached hereto as Schedule "B".

Section 3. RATE RESOLUTION DECLARED. This Resolution constitutes the Rate Resolution specified in Chapter 94, Article IV., Division 2. of the Code, as amended.

Section 4. DEFINITIONS. For the purpose of this schedule of Annual Solid Waste Collection and Recycling Program Special Assessments the following definitions shall apply:

(a) Improved Real Property: that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(b) Residential Improved Real Property: that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(c) Benefit Unit: that definition provided in Chapter 94, Article I., Section 94 1., of the Code, as amended.

Section 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 6. EFFECTIVE DATE. This Resolution shall take effect October 1, 2009.

RESOLVED this 18th day of August 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY: _____



Scott Ellis, Clerk

BY: _____



Chuck Nelson, Chairman

(As approved by the Board on August 18, 2009)

SCHEDULE "A"

SCHEDULE OF SPECIAL RATES AND CHARGES
OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010

Section 1. NON-RESIDENTIAL REAL PROPERTY:

- (a) Individual Commercial: \$10.63 per month
- (b) Bulk Commercial:
 - (1) Rate for commercial containers: \$ 3.19/per yd³
 - (2) Rate for compacted commercial containers: \$12.05/per yd³
 - (3) Rate for 96 gal toters (1 toter 2x week max service) monthly rate: \$30.00
 - (4) Rate for 96 gal toters (2 toters 2x week max service) monthly rate: \$60.00
 - (5) Rate for additional toters per month per toter \$60.00

Section 2. CONTAINER RENTAL:

(a) Rental Sizes	<u>Yard Size</u>	<u>Monthly Rental</u>
	2	\$ 20.47
	3	\$ 23.22
	4	\$ 25.88
	6	\$ 31.39
	8	\$ 36.37

Section 3. ROLL-OFF BOX CHARGE PER PULL:

(a) Sizes pull charges are:	<u>Yard Size</u>	<u>Pull Charge</u>
	15	\$155.34
	20	\$184.78
	30	\$210.20
	40	\$233.88

Section 4. COMPACTOR CHARGE PER PULL:

(a) Sizes pull charges are:

<u>Yard Size</u>	<u>Pull Charge</u>
15	\$169.77
20	\$193.46
30	\$215.98
40	\$239.65

Section 5. LIMITATIONS.

(a) The contractor may negotiate discount prices with the customer due to location or volume but under no circumstances will rates exceed the rates established in this Schedule "B".

(b) In addition to the pull charges as established above, the collector shall not exceed \$95.28 per month for drop-off, maintenance and rental charges on roll-off boxes.

(c) Rental rates for compactors shall be negotiated between the customer and the collector.

SCHEDULE "B"

SCHEDULE OF COMPENSATION RATES TO BE PAID TO COLLECTORS FOR
RESIDENTIAL CURBSIDE COLLECTION SERVICES PROVIDED
OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010

Section 1. COMPENSATION RATES:

- (a) Single Family Residence, Residential Mobile Home, Condominium Mobile Home, condominium Park Home, Cooperative Mobile Home, and Residential Townhouse Unit: \$9.74 per month, per unit.
- (b) Residential Condominium Unit, Cooperative Unit, Multiple Family Residence, Courts and Trailer Park: \$7.31 per month, per unit.
- (c) Condominium Recreational Vehicle Unit: \$3.80 per month, per unit.