

RESOLUTION NO. R-11-221

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING REVISED RATES, FEES AND CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED ON FRANCHISE AGREEMENTS FOR UNINCORPORATED MANATEE COUNTY; REVISING DEFINITIONS; ESTABLISHING REVISED SERVICE RATES, FEES AND CHARGES; REVISING PROVISIONS FOR EXEMPTIONS; ESTABLISHING REVISED FEES AND CHARGES FOR PILOT PROGRAM; ESTABLISHING REVISED SPECIAL FEES AND CHARGES; ESTABLISHING REVISED SECURITY DEPOSITS; REVISING PROVISIONS FOR SERVICE REQUESTS; REVISING PROVISIONS FOR ROLL-OFF CONTAINER AND COMPACTOR SERVICE BILLING; REVISING PROVISIONS FOR DELINQUENT ACCOUNTS; REVISING MISCELLANEOUS PROVISIONS; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 125.01(k), Florida Statutes, and Chapter 85-457, Laws of Florida, authorize and empower the Board of County Commissioners of Manatee County, Florida, to provide for and to regulate waste collection and disposal; and

WHEREAS, Chapter 2-16, Manatee County Code of Ordinances, as amended, provides for the establishment of rates, fees and charges to be paid for collection and disposal of solid waste, recyclable materials and yard trash; and

WHEREAS, on April 22, 2008, the Board of County Commissioners of Manatee County adopted Resolution No. R-08-123, which granted a franchise to Waste Pro of Florida, Inc., for residential and commercial collection of solid waste, recyclable materials and yard trash in Collection Service Area 1 of unincorporated Manatee County; and

WHEREAS, on April 22, 2008, Manatee County and Waste Pro of Florida, Inc., executed a Franchise Agreement for Unincorporated Manatee County Collection Service Area 1, which provides for residential and commercial collection rates, fees and charges; and

WHEREAS, on April 22, 2008, the Board of County Commissioners of Manatee County adopted Resolution No. R-08-124, which granted a franchise to Waste Management Inc. of Florida

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for residential and commercial collection of solid waste, recyclable materials and yard trash in Collection Service Area 2 of unincorporated Manatee County; and

WHEREAS, on April 22, 2008, Manatee County and Waste Management Inc. of Florida executed a Franchise Agreement for Unincorporated Manatee County Collection Service Area 2, which provides for residential and commercial collection rates, fees and charges; and

WHEREAS, on September 9, 2008, the Board of County Commissioners adopted Resolution No. R-08-199, which established rates, fees and charges for solid waste collection and disposal services based on the Franchise Agreements for Unincorporated Manatee County; and

WHEREAS, on November 9, 2010, the Board of County Commissioners adopted Resolution No. R-10-217, which established revised rates, fees and charges for solid waste collection and disposal services based on the Franchise Agreements for Unincorporated Manatee County; and

WHEREAS, Paragraph C.2. of Section 3.1 of Article 3 of the Franchise Agreements for Unincorporated Manatee County provides for an annual service fee adjustment based on a combined index consisting of ninety percent (90%) of the percentage change in the previous year's Consumer Price Index (CPI) plus ten percent (10%) of the percentage change in the previous year's Fuel Index; and

WHEREAS, Paragraph C.4. of Section 3.1 of Article 3 of the Franchise Agreements for Unincorporated Manatee County provides for a franchise fee adjustment whenever adjustments are made to the service fee so that the franchise fee shall remain at twelve percent (12%) of the total rate; and

WHEREAS, county staff has calculated the revised rates, fees and charges for collection service in accordance with the formula for annual service fee and franchise fee adjustments specified in Paragraphs C.2. and C.4., respectively, of Section 3.1 of Article 3 and Exhibits B and D of the Franchise Agreements for Unincorporated Manatee County; and

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WHEREAS, county staff has recommended changes to certain rates, fees and charges for solid waste collection and disposal services based on the Franchise Agreements for Unincorporated Manatee County; and

WHEREAS, the Board of County Commissioners has reviewed the recommended changes and has determined that the revised rates, fees and charges set forth in this resolution are fair and equitable and necessary to fund the proper operation of the solid waste collection and disposal services; and

WHEREAS, pursuant to Chapter 2-16, Manatee County Code of Ordinances, as amended, changes to the rates, fees and charges of the solid waste system require a public hearing by the Board of County Commissioners to establish revised rates, fees and charges for solid waste collection and disposal services; and

WHEREAS, notice of public hearing to consider Resolution No. R-11-221 was duly published in a newspaper of general circulation in Manatee County; and

WHEREAS, on October 25, 2011, the Board of County Commissioners held a public hearing to consider Resolution No. R-11-221; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the county and the customers of the solid waste system to establish revised rates, fees and charges for solid waste collection and disposal services.

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

Section 1. Definitions.

(a) Unless the context requires a different meaning, the definitions contained in Section 403.703, Florida Statutes, and Chapter 2-16, Manatee County Code of Ordinances, as amended, shall apply to the terms used in this resolution.

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(b) As used in this resolution, the following words and terms shall have the following meanings:

- (1) Dead run means a trip made at the direction of the Director by the Authorized Collector's personnel to pull and return a roll-off container or a compactor when the Authorized Collector's personnel are unable to perform the work required because the roll-off container or compactor is blocked, locked inside a gate, or otherwise obstructed from access.
- (2) Delinquent means any account past due or not paid within fifteen (15) days after the billing date.
- (3) Gate service means collection of solid waste from commercial improved real property when the Authorized Collector's personnel are required to open a gate or accessway for accessibility of the Authorized Collector's vehicle to the container or bin.
- (4) Roll-out service means collection of solid waste from commercial improved real property when the Authorized Collector's personnel are required to manually roll out or move a container or bin to the Authorized Collector's vehicle for a short or long distance as follows:
 - a. A short distance shall be considered fifteen (15) feet or less.
 - b. A long distance shall be considered more than fifteen (15) feet.

Section 2. Service rates, fees and charges.

The rates, fees and charges for collection service based on the Franchise Agreements for Unincorporated Manatee County Collection Service Area 1 and Collection Service Area 2 ("Franchise Agreements") are as follows:

- (a) Residential collection service.

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- (1) Standard service.
 - a. Residential curbside solid waste collection \$7.59/month
 - b. Residential curbside recyclable materials collection \$3.03/month
 - c. Residential curbside yard trash collection \$2.99/month
 - d. Residential non-curbside solid waste collection \$25.78/month
 - e. Multifamily recyclable materials collection \$3.03/month
- (2) Non-standard service.
 - a. White goods collection \$30.27/item
 - b. Waste tires collection (more than two (2) tires) \$18.17/event
 - c. E-scrap collection \$18.17/event
 - d. Extraordinary services \$36.33/event
- (b) Commercial collection service.
 - (1) Commercial can collection (twice weekly).
 - 32 gallons and smaller \$19.18/can/month
 - (2) Bulk collection \$20.35/cubic yard/pickup
 - (3) Commercial bin collection.
 - a. Uncompacted bin \$8.61/cubic yard/pickup
 - b. Compactor 8 cubic yards and smaller \$13.91/cubic yard/pickup
 - (4) Roll-off container collection \$16.64/cubic yard/pickup
 - (5) Compacter collection \$18.76/cubic yard/pickup
 - (6) Commercial bin rental/maintenance.

<u>Bin Size</u>	<u>Monthly Charge</u>
1.0 cubic yard	\$38.38
1.5 cubic yards	\$38.38

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2.0 cubic yards	\$38.38
3.0 cubic yards	\$39.43
4.0 cubic yards	\$40.50
6.0 cubic yards	\$42.64
8.0 cubic yards	\$46.90

(7) Roll-off container rental/maintenance.

<u>Container Size</u>	<u>Monthly Charge</u>
10.0 cubic yards	\$135.35
20.0 cubic yards	\$135.35
30.0 cubic yards	\$135.35
40.0 cubic yards	\$135.35

(8) Compactor rental/maintenance.

<u>Container Size</u>	<u>Monthly Charge</u>
2.0 cubic yards	\$330.38
3.0 cubic yards	\$336.77
4.0 cubic yards	\$346.36
5.0 cubic yards	\$355.97
6.0 cubic yards	\$364.55
7.0 cubic yards	\$387.93
8.0 cubic yards	\$403.92

(9) Roll-out service.

- a. Short distance \$18.17/container/month
- b. Long distance \$30.28/container/month

(10) Gate service \$18.18/gate/month

(11) Dead run \$60.55/event

Section 3. Exemptions.

(a) Persons applying for individual exemptions for residential improved real property shall not be required to pay an application fee. Upon revocation of an exemption for residential improved real property, a new application will be required for reinstatement of the exemption; however, no application fee will be charged.

(b) The application fee for an individual exemption for commercial improved real property is \$20.00. Upon revocation of an exemption for commercial improved real property, a new application will require payment of an additional application fee of \$20.00.

(c) The Director has exempted certain Apartments, Condominium Apartments and Mobile Home Parks from service charges for the collection of recyclable materials based on compliance with conditions established in Resolution No. R-00-195. Such exemption shall continue as long as the Apartment, Condominium Apartment or Mobile Home Park meets the conditions for an exemption set forth in Resolution No. R-00-195. If the Apartment, Condominium Apartment or Mobile Home Park no longer meets the conditions for an exemption from service charges for recyclable materials, such exemption shall be revoked immediately. In the event of revocation, no exemption shall be granted, renewed or re-established for any part or all of the Apartment, Condominium Apartment or Mobile Home Park.

(d) The Director may exempt Apartments, Condominium Apartments and Mobile Home Parks from service charges for the collection of yard trash, if the following conditions are met:

- (1) The Apartment, Condominium Apartment or Mobile Home Park must make a written application for such exemption, through either a single owner or an association. The written application shall be notarized and under oath, and shall inform the Director, at a minimum, of the types and approximate quantities of yard trash

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generated, the method and frequency of collection, removal and disposal, and the names and addresses of the persons or entities performing such functions.

- (2) The Apartment, Condominium Apartment or Mobile Home Park must provide for a single owner or a single management entity or association which will act as the only entity for purposes of making arrangements for collection services and payment therefor.
- (3) The single owner or association shall promptly inform the Director, in writing, of the cessation or alteration of any such arrangements and of any change in the persons or entities performing such functions.
- (4) The single owner or association must have in place a proper, sanitary and effective method of collecting, removing and disposing of yard trash.
- (5) Once a decision regarding an exemption from service charges for yard trash has been made, it shall not be changed for one (1) year unless the Director determines that the Apartment, Condominium Apartment or Mobile Home Park no longer meets the conditions for such exemption.

Section 4. Fees and charges for pilot program.

(a) As a pilot program, solid waste collection service is provided by means of rolling carts to residential and commercial improved real property located within the area bounded by 57th Avenue on the north, 14th Street West on the west, 63rd Avenue on the south, and 15th Street East on the east at the same rates as established in section 2 of this resolution. The Authorized Collector under the Franchise Agreement for Collection Service Area 2 has furnished the carts for the pilot program at no charge.

(b) If a cart is damaged, destroyed or removed, a fee of \$60.00 will be charged for a new cart in the following circumstances:

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- (1) Replacement of a cart damaged by a customer or person other than the Authorized Collector.
- (2) Replacement of a cart stolen from the property when no police report about the stolen cart is submitted to the County.
- (3) Replacement of a cart removed from the property; provided, however, the property owner will be charged when a cart is removed by a tenant who no longer occupies the property.
- (c) No fee will be charged for a cart in the following circumstances:
 - (1) Replacement of a cart damaged by the Authorized Collector.
 - (2) Replacement of a cart stolen from the property when a police report about the stolen cart is submitted to the County.
 - (3) Repair or replacement of a cart when the wheels are damaged.

Section 5. Special fees and charges.

- (a) Research Actual cost
- (b) Late payment fee (failure to pay current bill by due date) 2% of current bill

Section 6. Security deposits.

(a) Security deposits are required for all solid waste only residential and commercial collection accounts. The security deposit for a residential unit is \$30.00 per unit. The security deposit for a commercial unit will be a sum equal to twice the monthly commercial rate for the type of service being provided. Deposits for roll-off containers and compactors will be based on an estimated charge which includes the rental/maintenance fee plus a collection fee for the level of service requested for one (1) month.

(b) Security deposits for accounts delinquent three (3) or more times or paid by two (2) or more bad checks in a year may be increased. The maximum deposit required shall not exceed

five (5) times the average monthly bill.

(c) All deposits shall accrue interest. The interest rate will be the daily treasury yield curve rate effective on October 1 of each year and will remain at that rate throughout the fiscal year. Accrued interest will be credited once a year to the customer's account.

Section 7. Service requests.

(a) At the request of a customer, a change in the level of commercial collection service may be authorized up to two (2) times per year and will take effect after the current monthly billing has been rendered.

(b) The Director reserves the right to increase the level of commercial collection service for a customer in the event of repeated requests for extra lifts or in the event of two (2) field trips to a site within a thirty (30) day period for overloaded containers that could not be serviced.

(c) Apartments, Condominium Apartments and Mobile Home Parks may receive either residential or commercial collection service. A fee of \$1.00 per dwelling unit will be charged for a change in collection service type.

Section 8. Roll-off container and compactor service billing.

(a) At the discretion of the Director, service by roll-off containers and compactors larger than eight (8) cubic yards may be provided and billed to either the property owner or the actual user. Such service may be terminated for non-payment.

(b) If a roll-off container or a compactor from a single location contains mixed loads, any additional landfill tipping fees for such mixed loads shall be billed to the property owner or the user responsible for payment of the service.

Section 9. Delinquent accounts.

(a) At the discretion of the Director, requests for extra lifts on bins, pulls and returns on roll-off containers or compactors, or extraordinary services may not be provided for accounts which

become delinquent.

(b) At the discretion of the Director, service provided to delinquent accounts may be reduced to the minimum level.

(c) The County may recover unpaid or delinquent fees, rentals or other charges, together with interest and penalties, and reasonable attorney's fees and other costs and expenses, by suit in a court of competent jurisdiction. The County may also enforce payment of delinquent fees, rentals or other charges by any other lawful method of enforcement.

Section 10. Miscellaneous.

(a) The application fee for a one (1) year license to transport occupational solid waste or construction and demolition debris is \$25.00 per vehicle.

(b) Residential rental property accounts for water, wastewater and solid waste services may be exempt from service charges between tenants for a period not to exceed fourteen (14) days.

(c) Collection service will not be discontinued. Non-payment of the utilities bill or any portion thereof will result in the termination of water and/or reclaimed water service, where applicable.

(d) Any unauthorized use of the solid waste, recyclable materials or yard trash collection and disposal services, such as violation of any statute, law, ordinance, code, resolution, rule or regulation, including, specifically, the discarding of any hazardous waste, will be subject to penalties provided in the applicable statute, law, ordinance, code, resolution, rule or regulation.

Section 11. Directions regarding codification. This resolution shall not be codified in the Manatee County Code of Resolutions.

Section 12. Prior and conflicting resolutions. All prior and conflicting resolutions, including, but not limited to, Resolution No. R-10-217, shall be repealed, rescinded, superseded


and replaced by this resolution effective November 1, 2011, at 12:01 a.m.

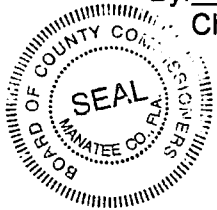
Section 13. Severability. In the event that any provision, portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining the remaining provisions, portions or sections of this resolution which shall remain in full force and effect.

Section 14. Effective date. This resolution and the rates, fees and charges established in this resolution shall become effective November 1, 2011, at 12:01 a.m.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 25th day of October, 2011.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: 
Chairman



ATTEST: R. B. Shpre
Clerk of the Circuit Court

By: 