

6.18.13 #26b.

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Adoption of an Initial Surface Water Rate Resolution that Begins
the Implementation Process for a Surface Water Service Assessment

DATE: June 18, 2013

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS ("BOARD") ADOPT THE ATTACHED INITIAL SURFACE WATER RATE RESOLUTION THAT BEGINS THE IMPLEMENTATION PROCESS FOR A SURFACE WATER SERVICE ASSESSMENT.

DISCUSSION: On April 30, 2013, the Board participated in a work session regarding the establishment of a Surface Water Utility. Staff provided an extensive review of the surface water conditions existing in Pinellas County and the need for additional funding to improve those conditions at that meeting. The staff recommended the establishment of a Surface Water Utility to create a source for the funding for the improvement of existing conditions. The Board requested that staff draft an Initial Surface Rate Resolution for its review that would begin the implementation process for a Surface Water Service Assessment.

The past decade has brought increased awareness of the detrimental environmental impacts associated with stormwater runoff from developed property including degradation of surface waters, land erosion, flooding and collection of standing water on streets and property. In response to public demand and increased federal regulations imposed by the U. S. Environmental Protection Agency's National Pollution Discharge Elimination System stormwater permitting program as implemented by the Florida Department of Environmental Protection, Pinellas County has been mandated to improve stormwater management services, which require a dedicated funding source for these services by creating a surface water assessment program to generate revenues.

Surface Water assessments are based upon the estimated amount of stormwater runoff generated by impervious surface on a parcel. Impervious surfaces include the rooftop, patios, driveways, parking lots and similar areas. The County has determined that the median single-family residence in the Surface Water Service Area includes 2,339 square feet of impervious surface, which is the value of one "equivalent residential unit" or "ERU Value."¹ Single-family residential properties are categorized into one of four ERU tiers based on the estimated amount of impervious area associated with each parcel (computed by using the building footprint of the residence). Condominium units are charged generally by calculating the total number of ERUs applicable to the condominium complex as a whole, then dividing that total number of ERUs by

¹ Please note the ERU Value of 2,339 square feet may be adjusted slightly prior to or at the public meeting on June 18, 2013. The parcel data for the unincorporated area of the County is in the process of being reviewed and finalized and a slight adjustment may need to be made to the ERU Value accordingly.

the total number of condominium residential units on the property. For general parcels, such as commercial parcels, the number of ERUs has been calculated individually for each parcel of property by dividing the impervious surface area by 2,339 square feet. If a parcel owner applies and qualifies, credit for privately maintained stormwater management facilities and other factors affecting the quantity or quality of stormwater runoff will be applied, as applicable, resulting in the assignment of Net ERUs. Additionally, if a parcel owner applies and qualifies, certain Agricultural Property is granted a credit from payment of Surface Water Service Assessments pursuant to state law. The annual Surface Water Service Assessment rate for Fiscal Year 2013-14 and future fiscal years will be \$116.00 for each Net ERU. It is estimated that the County will collect \$17,879,374.00 from the Surface Water Service Assessments for Fiscal Year 2013-14.²

The Initial Surface Water Rate Resolution is a preliminary document. It is designed to notify the affected public of the structure and method that the County is considering implementing for its Surface Water Service Assessment. Information in this document will be contained in the mailings the public receives notifying each parcel owner of the proposed assessment, his or her estimated assessment amount, the purpose of the proposed assessment, and informing each owner of the public hearing scheduled for September 10, 2013, at 6:00 p.m. in which the Board will make a final decision on the adoption of a rate for the County's Surface Water Service Assessment.

Attached is a spreadsheet that outlines various Surface Water Fee Rates coupled with the program services each rate would be able to fund.

JLB:DWM:sme

Attachments

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² Please note the figure \$17,879,374.00 may be adjusted slightly prior to or at the public meeting on June 18, 2013. The parcel data for the unincorporated area of the County is in the process of being reviewed and finalized and a slight adjustment may need to be made to this value accordingly.

Pinellas County Stormwater Governance Study
Example Stormwater Utility Rates (Excludes CIP Funded by Penny for Pinellas)

Example Program	Program Funding Need	Cost per ERU per Year ¹	Cost per ERU per Month ²
Proposed Surface Water Management Program	\$17,879,374	\$115.60	\$9.60
Proposed program - pipe repair* and mowing*	\$16,738,506	\$108.20	\$9.00
Proposed program - pipe repair,* mowing,* and vegetation management**	\$14,988,979	\$96.90	\$8.10
Proposed program - pipe repair,* mowing,* vegetation management,** and Adopt-A-Pond	\$14,520,086	\$93.90	\$7.80
Proposed program + O&M LOS B	\$19,034,285	\$123.10	\$10.30
Existing Surface Water Management Program	\$11,793,546	\$76.30	\$6.40
Total Estimated ERUs	169,938.0		

Notes:

1. Calculated as Funding Need divided by Total ERUs and 91% (assumes 5% loss and 4% for PAO and Tax Collector). Rounded to nearest \$0.10.
2. Calculated as the Annual Cost divided by 12. Rounded to the Nearest \$0.10.

*Costs shifted back to Transportation Trust

** Costs shifted back to Transportation Trust and General Fund

PINELLAS COUNTY, FLORIDA

INITIAL SURFACE WATER RATE RESOLUTION

ADOPTED JUNE 18, 2013

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RESOLUTION NO. 13-_____

A RESOLUTION OF THE PINELLAS COUNTY, FLORIDA, RELATING TO THE PROVISION OF SURFACE WATER MANAGEMENT SERVICES; ESTIMATING THE COST OF SURFACE WATER MANAGEMENT SERVICES PROVIDED BY THE COUNTY'S SURFACE WATER UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE BENEFITED THEREBY; ESTABLISHING THE METHOD OF CHARGING THE COST OF SURFACE WATER MANAGEMENT SERVICES AGAINST THE REAL PROPERTY THAT WILL BE BENEFITED THEREBY; DIRECTING THE SURFACE WATER UTILITY COORDINATOR TO PREPARE OR DIRECT THE PREPARATION OF AN INITIAL SURFACE WATER ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED SURFACE WATER SERVICE ASSESSMENTS AND SURFACE WATER FEES AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. PURPOSE AND DEFINITIONS. This resolution constitutes the Initial Surface Water Rate Resolution as defined in the Ordinance. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Agricultural Property" means a Parcel containing a bona fide Farm Operation on land classified as agricultural pursuant to section 193.461, Florida Statutes.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

"Condominium Complex" means a condominium community created by a declaration of condominium pursuant to Chapter 718, Florida Statutes.

"Condominium Common Area Parcel" means a Parcel of Developed Property including one or more "common elements," as defined in section 718.103, Florida Statutes of a Condominium, the taxable value of which has been attributed to either Condominium Residential Unit Parcels or Condominium Non-Residential Unit Parcels by the Property Appraiser.

"Condominium Residential Unit Parcel" means a Parcel of Developed Property constituting a Condominium "unit," as defined in section 718.103, Florida Statutes, which contains a Dwelling Unit and is assigned a DOR Code 04 in the DOR Codes.

"Condominium Non-Residential Unit Parcel" means a Parcel of Developed Property constituting a Condominium "unit," as defined in section 718.103, Florida Statutes, which does not contain a Dwelling Unit and is generally assigned a DOR Code 4148 or 1134 in the DOR Codes.

"DOR Code" means a property use code established in Rule 12D-8.008, Florida Administrative Code, as applied by the Property Appraiser.

"Dwelling Unit" means a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

"ERU Value" means the Impervious Area for a typical Single Family Parcel within the Surface Water Service Area. Based upon a median Impervious Area derived from all Single Family Parcels (calculated from the total base subarea plus extra features information on the Tax Roll), the County has computed an "ERU Value" of 2,339 square feet, which shall be used to calculate the number of ERUs attributable to each Parcel.

"Farm Operation" is as defined in section 163.3162(2), Florida Statutes.

"General Parcel" means a Parcel of Developed Property that is not a Single Family Parcel, a Condominium Common Area Parcel, a Condominium Residential Unit Parcel, or a Condominium Non-Residential Unit Parcel.

"Impervious Area" means hard surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly affect the natural infiltration or runoff patterns which existed prior to development.

"Large Single Family Parcel" means a Single Family Parcel with an estimated Impervious Area between 4,368 and 10,000 (inclusive) square feet.

"Medium Single Family Parcel" means a Single Family Parcel with an estimated Impervious Area between 1,576 and 4,367 (inclusive) square feet.

"Net ERU" means the standard unit used to express the Stormwater burden expected to be generated by each parcel of property, after taking into consideration any mitigation of the Stormwater burden that results from privately maintained Stormwater management facilities and other factors affecting the quantity, quality, or rate of Stormwater runoff.

"Ordinance" means the Master Surface Water Utility Ordinance, adopted by the Board on June 18, 2013, as Ordinance No. ____, as it may be amended from time to time.

"Single Family Parcel" means a Parcel of Developed Property assigned a DOR Code of 00, 01 or 02 in the DOR Codes.

"Small Single Family Parcel" means a Single Family Parcel with an estimated Impervious Area between 200 and 1,575 (inclusive) square feet.

"Parcel" means a parcel of property which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Very Large Single Family Parcel" means a Single Family Parcel with an estimated Impervious Area greater than 10,000 square feet.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this resolution; and the term "hereafter" means after, and the term "heretofore" means

before, the effective date of this resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

SECTION 1.03. GENERAL FINDINGS. It is hereby ascertained, determined and declared that:

(A) The Board hereby finds and determines that the Surface Water Service Assessments and Surface Water Fees to be imposed in accordance with this Resolution provide an equitable method of funding the Surface Water Management Services by fairly and reasonably allocating the cost to benefitted property.

(B) Upon the adoption of this Initial Surface Water Rate Resolution determining the Surface Water Service Cost and imposing Surface Water Service Assessments and Surface Water Fees, the legislative determinations ascertained and declared in Sections 1.03 and 1.04 of the Ordinance are hereby ratified and confirmed.

(C) Upon the adoption of this Initial Surface Water Rate Resolution that certain report entitled "Pinellas County, Surface Water Governance Study," dated as of June, 2013 and prepared by CDM Smith, Inc. is hereby adopted and incorporated herein by reference, including the assumptions, conclusions, and findings in such study as to the determination of the Surface Water Service Assessments and Surface Water Fees.

(D) The special benefits provided by the Surface Water Management Services to all Developed Property located within the Surface Water Service Area include, but are not limited to: (1) the provision of Surface Water Management Services and the availability and use of facilities and improvements by the owners and occupants of Developed Property to properly and safely detain, retain, convey and treat Stormwater discharged from Developed Property; (2) stabilization of or the increase of Developed Property values; (3) increased safety and better access to Developed Property; (4) rendering Developed Property more adaptable to a current or reasonably foreseeable new and higher use; (5) alleviation of the burdens caused by Stormwater and accumulation attendant with the use of Developed Property; and (6) fostering the enhancement of environmentally responsible use and enjoyment of the natural resources within the Surface Water Service Area.

(E) The County's Surface Water Management Services are necessitated by the existence of Impervious Area. Accordingly, it is fair and reasonable to impose a Surface Water Service Assessment and Surface Water Fee only against Developed Property containing at least 200 square feet of Impervious Area.

(F) The Surface Water Service Assessments and Surface Water Fees authorized by Section 3.01 of the Ordinance and this Initial Surface Water Rate Resolution provide an equitable method of funding the Surface Water Service Cost attributed to Developed Property by fairly and reasonably allocating the Surface Water Service Cost to specially benefited Developed Property classified on the basis of the Stormwater burden expected to be generated by the physical characteristics and use of such property. Further, the Surface Water Fees provide a reasonable method of funding the Surface Water Service Cost attributed to Government Property because such costs provide a reasonable estimation of the costs of providing Surface Water Management Services to Government Property and managing the burden generated by the use of Government Property as individually classified on the basis of the Stormwater burden expected to be generated.

(G) In accordance with section 163.3162(3)(b), Florida Statutes, the County is prohibited from charging a Surface Water Assessment on certain Agricultural Property, if such Farm Operation has a National Pollution Discharge Elimination System Permit, an environmental resource permit, a works-of-the-district permit, or if it has implemented best management practices adopted as rules by the Florida Department of Environmental Protection, the Department of Agricultural and Consumer Services, or an appropriate water management district. Accordingly, any Owner of Agricultural Property demonstrating that they meet the outlined requirements shall be granted a Mitigation Credit from the Surface Water Service Assessment.

(H) Any shortfall in the expected proceeds from the Surface Water Service Assessment and Surface Water Fee due to any reduction or exemption from payment of the Surface Water Service Assessment or Surface Water Fee required by law or authorized by the Board shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Surface Water Service Assessment or Surface Water Fee. In the event a court of

competent jurisdiction determines any exemption or reduction by the Board is improper or otherwise adversely affects the validity of the Surface Water Service Assessment or Surface Water Fee imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Surface Water Service Assessment or Surface Water Fee upon each affected Parcel in the amount of the Surface Water Service Assessment or Surface Water Fee that would have been otherwise imposed save for such reduction or exemption afforded to such Parcel.

(I) The Pinellas Park Water Management District is responsible for managing the primary Stormwater drainage system in its approximately 15 square mile jurisdictional area, which is partially located within the unincorporated area of the County. However, the secondary drainage systems, including street drainage, curb and gutter inlets, and the associated Stormwater conveyance systems are maintained by the County if within the unincorporated area. Accordingly, there is no duplication of services between the two entities and it is fair and reasonable to impose the Surface Water Service Assessment and Surface Water Fees within the unincorporated area portion of the Pinellas Park Water Management District.

ARTICLE II

SURFACE WATER SERVICE CHARGES

SECTION 2.01. SURFACE WATER SERVICE AREA.

(A) The Board hereby establishes the entire unincorporated area of the County as the Surface Water Service Area.

(B) The Surface Water Utility created by Section 2.01 of the Ordinance shall provide Surface Water Management Services to all Developed Property within the Surface Water Service Area. All or any portion of the Surface Water Service Cost may be funded from the proceeds of the Surface Water Service Assessments.

(C) The Surface Water Utility may also acquire and construct capital facilities to assist and facilitate the provision of Surface Water Management Services within the Surface Water Service Area.

SECTION 2.02. IMPOSITION AND COMPUTATION OF SURFACE WATER SERVICE ASSESSMENTS AND SURFACE WATER FEES.

(A) A Surface Water Service Assessment shall be imposed against all Developed Property within the Surface Water Service Area, except Government Property. The estimated Surface Water Service Cost for the Fiscal Year beginning on October 1, 2013 is \$17,879,374 and the amount attributable to non-Government Property shall be assessed against all such Parcels at a rate of assessment based upon the special benefit accruing to such Developed Property from the County's provision of Surface Water Management Services, measured by the number of Net ERUs attributable to each Parcel.

(B) A Surface Water Fee shall be imposed against all Government Property that is Developed Property within the Surface Water Service Area. The estimated Surface Water Service Cost that is attributable to Government Property shall be charged against all such Parcels at a rate based upon the properties' demands for service from the Surface Water Utility and the Stormwater burden created by such properties, measured by the number of Net ERUs attributable to each Parcel of Government Property.

(C) For the Fiscal Year beginning October 1, 2013, the Surface Water Service Assessment and Surface Water Fee, as appropriate, will be computed for each Parcel

of Developed Property located within the Surface Water Service Area by multiplying the number of Net ERUs attributable thereto by the per Net ERU rate of \$116.00; provided however, that the \$116.00 rate per Net ERU shall be reduced, if necessary, to ensure that the aggregate Surface Water Service Assessments and Surface Water Fees within the Surface Water Service Area do not exceed the Surface Water Service Cost.

SECTION 2.03. SURFACE WATER ROLLS. The Surface Water Utility Coordinator is hereby directed to prepare, or direct the preparation of, the Surface Water Roll for the Surface Water Service Assessment and the Surface Water Roll for the Surface Water Fees in the manner provided in the Ordinance. A copy of this Initial Surface Water Rate Resolution and the preliminary Surface Water Rolls shall be maintained on file in the office of the Surface Water Utility Coordinator and open to public inspection. The foregoing shall not be construed to require that the Surface Water Rolls be in printed form if the amount of the Surface Water Service Assessment and Surface Water Fee for each Parcel can be determined by use of an available computer terminal.

SECTION 2.04. METHOD OF COLLECTION.

(A) The Surface Water Service Assessments shall be collected from all Assessed Property, except Government Property, pursuant to the Uniform Assessment Collection Act as provided in Section 6.01 of the Ordinance.

(B) The Surface Water Fees shall be collected from all Government Property pursuant to Section 6.04 of the Ordinance.

ARTICLE III

DETERMINATION OF NET ERUs

SECTION 3.01. CLASSIFICATION OF TAX PARCELS. Each Parcel located within the Surface Water Service Area shall be assigned to one of the following classifications: Small Single Family Parcels, Medium Single Family Parcels, Large Single Family Parcels, Very Large Single Family Parcels, Condominium Residential Unit Parcels, Condominium Non-Residential Unit Parcels, Condominium Common Area Parcels, or General Parcels.

SECTION 3.02. SINGLE FAMILY PARCELS.

(A) The Board hereby finds and determines as follows:

(1) The Impervious Area information on the Tax Roll is the most comprehensive and recent data available for Single Family Parcels within the Surface Water Service Area. The cost of individually measuring or verifying the Impervious Area for each individual Single Family Parcel greatly exceeds any benefit to be derived from individual measurement and verification.

(2) The Impervious Area derived from the total base subarea plus all extra features information included for each Single Family Parcel on the Tax Roll constitutes a reasonable approximation for the total Impervious Area for each Single Family Parcel.

(3) Based upon an analysis of all Single Family Parcels within the Surface Water Service Area, it has been determined that the typical Single Family Parcel within the Surface Water Service Area contains 2,339 square feet of Impervious Area.

(B) As provided above, the County has estimated 2,339 square feet of Impervious Area for a typical Medium Single Family Parcel within the Surface Water Service Area. Accordingly, the number of Net ERUs attributable to each Medium Single Family Parcel shall be computed by multiplying one (1) ERU by the appropriate Mitigation Credit Factor, as will be determined in the Final Surface Water Rate Resolution.

(C) The County has estimated 1,315 square feet of Impervious Area for a typical Small Single Family Parcel within the Surface Water Service Area.

Accordingly, the number of Net ERUs attributable to each Small Single Family Parcel shall be computed by multiplying 0.6 ERUs by the appropriate Mitigation Credit Factor, as will be determined in the Final Surface Water Rate Resolution.

(D) The County has estimated 5,411 square feet of Impervious Area for a typical Large Single Family Parcel within the Surface Water Service Area. Accordingly, the number of Net ERUs attributable to each Large Single Family Parcel shall be computed by multiplying 2.3 ERUs by the appropriate Mitigation Credit Factor, as will be determined in the Final Surface Water Rate Resolution.

(E) The number of Net ERUs attributable to each Very Large Single Family Parcel shall be computed as a General Parcel, in accordance with Section 3.05 hereof.

SECTION 3.03. RESIDENTIAL CONDOMINIUM PARCELS.

(A) The Board hereby finds and determines as follows:

(1) A residential condominium constitutes a unique form of real property ownership comprised of Condominium Residential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable and in accordance with section 718.120, Florida Statutes, to attribute the Impervious Area of Condominium Common Area Parcels to the Condominium Residential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(B) The number of Net ERUs attributable to each Condominium Residential Unit Parcel in a Condominium Complex shall be the amount computed by multiplying (a) the amount calculated by (i) dividing the Impervious Area of the Condominium Complex in which the Condominium Residential Unit Parcel is located, including any Condominium Common Area Parcels, by the ERU Value, and (ii) dividing the result by the total number of Condominium Residential Unit Parcels located within such Condominium Complex, by (b) the appropriate Mitigation Credit Factor, as will be determined in the Final Surface Water Rate Resolution.

SECTION 3.04. NON-RESIDENTIAL CONDOMINIUM PARCELS.

(A) The Board hereby finds and determines as follows:

(1) A non-residential condominium constitutes a unique form of real property ownership comprised of Condominium Non-Residential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable and in accordance with Section 718.120, Florida Statutes, to attribute the Impervious Area of Condominium Common Area Parcels to the Condominium Non-Residential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(B) The number of Net ERUs attributable to each Condominium Non-Residential Unit Parcel in a Condominium Complex shall be the amount calculated by (a) dividing the Impervious Area of the Condominium Complex in which the Condominium Non-Residential Unit Parcel is located, including any Condominium Common Area Parcels, by the ERU Value, and then (b) multiplying the total number of ERUs assigned to the Condominium Complex by the percentage of Building square footage allocated to all Condominium Non-Residential Unit Parcels to arrive at the total ERUs for all Condominium Non-Residential Unit Parcels, and then (c) dividing the total ERUs for all Condominium Non-Residential Unit Parcels by the amount determined by (i) dividing the square footage of each Condominium Non-Residential Unit Parcel by (ii) the total non-residential square footage in the Condominium Complex, and then (c) multiplying that figure by the appropriate Mitigation Credit Factor, as will be determined in the Final Surface Water Rate Resolution.

SECTION 3.05. GENERAL PARCELS. The number of Net ERUs attributable to each General Parcel shall be determined by (1) dividing the Impervious Area of the General Parcel by the ERU Value and (2) multiplying the result by the appropriate Mitigation Credit Factor, as will be determined in the Final Surface Water Rate Resolution.

SECTION 3.06. PRIVATE STORMWATER MITIGATION FACILITIES. The Board recognizes the benefits provided by privately maintained Stormwater Mitigation Facilities. Properties supporting private Stormwater Mitigation Facilities should be credited for the public benefits they provide. Accordingly, the number of ERUs otherwise attributable to such property shall be adjusted by a Mitigation Credit

determined in accordance with a Mitigation Credit Policy and procedures that will be included in the Final Surface Water Rate Resolution.

ARTICLE IV

NOTICE AND PUBLIC HEARING

SECTION 4.01. PUBLIC HEARING. A public hearing will be conducted by the Board on September 10, 2013, in the Board Assembly Room, 315 Court Street, 5th Floor, Clearwater, Florida, at 6:00 p.m., or as soon thereafter as the item can be heard, to consider imposition of the Surface Water Service Assessments and their collection pursuant to the Uniform Assessment Collection Act and imposition and collection of the Surface Water Fees to be collected pursuant to the procedures provided in Section 6.04 of the Ordinance.

SECTION 4.02. NOTICE BY PUBLICATION. The Surface Water Utility Coordinator shall publish a notice of the public hearing authorized by Section 4.01 hereof in the manner and the time provided in Section 4.03 of the Ordinance. The published notice shall be published no later than August 20, 2013 in substantially the form attached hereto as Appendix B.

SECTION 4.03. NOTICE BY MAIL.

(A) The Surface Water Utility Coordinator shall, at the time and in the manner specified in Section 4.04 of the Ordinance, provide first class mailed notice of the public hearing authorized by Section 4.01 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll. The mailed notice shall be mailed no later than August 20, 2013 in substantially the form attached hereto as Appendix C.

(B) If the County determines that the truth-in-millage ("TRIM") notice that is mailed by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the requirements of paragraph (A) of this Section 4.03, then the separate mailing requirement described in paragraph (A) will be deemed fulfilled by the TRIM notice.

ARTICLE V
GENERAL PROVISIONS

SECTION 5.01. ADJUSTMENT OF NET ERUs.

(A) Petitions for review of the number of Net ERUs attributed to any Parcel shall be submitted to the Surface Water Utility Coordinator, who shall have authority to correct any errors made in applying the provisions of Article III hereof to the Parcel. The following procedures shall apply to all petitions.

(1) Each petition shall be made to the Surface Water Utility Coordinator by the owner of the Parcel or such owner's authorized agent.

(2) The petition shall be in writing and set forth, in detail, the grounds upon which adjustment is sought.

(3) The petition must be filed with the Surface Water Utility Coordinator by October 10, 2013 and shall be reviewed within 30 days of the filing date. Filing of a petition shall not extend the time for payment of any Surface Water Service Assessment or affect the amount of any discount for early payment. If the number of Net ERUs is adjusted for any Parcel, the Surface Water Service Assessment or Surface Water Fee shall be corrected in accordance with Section 5.04 of the Ordinance. If the Surface Water Service Assessment or Surface Water Fee has been paid prior to adjustment of the number of Net ERUs, either the Tax Collector shall refund the amount by which the Surface Water Service Assessment has been reduced, adjusted for any early payment discount taken by the owner or the County shall refund the amount by which the Surface Water Fee has been reduced, adjusted for any early payment discount, as applicable.

(4) The petitioner may be required, at petitioner's own cost, to provide supplemental information to the Surface Water Utility Coordinator including, but not limited to, survey data approved by a professional land surveyor and/or engineering reports approved by a professional engineer. Failure to provide such information may result in the denial of the petition.

(5) The Surface Water Utility Coordinator shall respond to each petition in writing.

(B) The Surface Water Utility Coordinator may initiate adjustments to the number of Net ERUs attributed to any Parcel. If the number of Net ERUs is reduced for any Parcel, the Surface Water Service Assessment or Surface Water Fee shall be corrected in accordance with Section 5.04 of the Ordinance. In such event, if the Surface Water Service Assessment has been paid prior to adjustment of the number of Net ERUs, the Tax Collector shall refund the amount by which the Surface Water Service Assessment has been reduced, adjusted for any early payment discount taken by the owner or the County shall refund the amount by which the Surface Water Fee has been reduced, adjusted for any early payment discount, as applicable. If the number of Net ERUs is increased for any Parcel, the adjustment shall become effective for Surface Water Service Assessments and Surface Water Fees in subsequent Fiscal Years.

SECTION 5.02. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____, and upon roll call the vote was:

AYES:

NAYS:

Absent and not voting:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By

Attorney

APPENDIX A

DESCRIPTION OF THE SURFACE WATER SERVICE AREA

APPENDIX A

DESCRIPTION OF THE SURFACE WATER SERVICE AREA

The Surface Water Service Area shall be coterminous with the entire area of the County, as described in section 7.52, Florida Statutes, less and except the incorporated areas of any municipality.

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 20, 2013

[MAP OF SURFACE WATER SERVICE AREA]

**NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF
NON-AD VALOREM ASSESSMENTS AND FEES**

The U. S. Environmental Protection Agency through the National Pollution Discharge Elimination System Stormwater permitting program implemented by the Florida Department of Environmental Protection has mandated Pinellas County to implement and fund a comprehensive surface water management program. A new and dedicated funding source is needed to maintain compliance with these requirements. Accordingly, the Pinellas County Board of County Commissioners (the "Board") will conduct a public hearing to consider the imposition of Surface Water Service Assessments against non-Government Property and Surface Water Fees against Government Property in the unincorporated area of the County, as shown above. The hearing will be held at 6:00 p.m., or as soon thereafter as the item can be heard, on September 10, 2013, in the Board of County Commissioners Assembly Room at 315 Court Street, 5th Floor, Clearwater, Florida. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the please contact the County Office of Human Rights, 400 South Fort Harrison Avenue, Suite 500, Clearwater, Florida 33756 at (727) 464-4062 at least 48 hours prior to the date of the hearing. If hearing impaired, telephone the Florida Relay Service Numbers, **1-800-955-8771 (TDD) or 1-800-955-8770 (Voice)**, for assistance. All affected property owners have a right to appear at the hearing and to file written objections with the County. All written objections to the non-ad valorem assessments and fees must be filed with the Board of County Commissioners within twenty (20) days of this notice. Please include your name, parcel number, and the reason you object to the assessment on all written objections. Address all written objections as follows: _____, Pinellas County Board of County Commissioners, 315 Court Street, 5th Floor, Clearwater, Florida 33756. Any person wishing to appeal any decision of the Board with respect to any matter

considered will need a record of the proceedings and may wish to ensure that a verbatim record of the proceedings is made.

The Surface Water Service Assessments and Surface Water Fees will fund the County's cost to provide Surface Water Management Services in the unincorporated areas of the County. The Surface Water Service Assessments and Surface Water Fees are based upon the estimated amount of stormwater runoff generated by impervious surface on the property. Impervious surfaces include the roof top, patios, driveways, parking lots and similar areas. The County has determined that the median single-family residence in the Surface Water Service Area includes 2,339 square feet of impervious surface, which is defined as the "equivalent residential unit value" or "ERU Value." The annual Surface Water Service Assessment rate for the upcoming Fiscal Year and future fiscal years will be \$116.00 for each Net ERU. The annual Surface Water Fee rate for the upcoming Fiscal Year and future fiscal years will be \$116.00 for each Net ERU on Government Property.

Generally, the number of ERUs were calculated individually for each parcel of property by dividing the impervious surface area by 2,339 square feet. If a property owner applies and qualifies, credits for privately maintained Stormwater management facilities and other factors affecting the quantity or quality of Stormwater runoff will be applied, resulting in an assignment of Net ERUs. A more specific description of the Surface Water Service Assessments and Surface Water Fees is set forth in the Initial Surface Water Rate Resolution adopted by the Board on June 18, 2013. Additional information about the mitigation credits for privately maintained Stormwater management facilities will be included in the Final Surface Water Rate Resolution to be considered by the County during the September 10, 2013 public hearing. Copies of the Initial Surface Water Rate Resolution and the preliminary stormwater roll are available for inspection at the _____, Pinellas County Board of County Commissioners, 315 Court Street, 5th Floor, Clearwater, Florida 33756. Additional information about the Surface Water Service Assessment and Surface Water Fees is available at www.co.pinellas.fl.us.

The Surface Water Service Assessment will be collected by the Tax Collector of Pinellas County, pursuant to Chapter 197, Florida Statutes, on the tax bill to be mailed

in November 2013. Failure to pay the Surface Water Service Assessment will cause a tax certificate to be issued against the assessed property, which may result in a loss of title to your property. The Surface Water Fees will be collected by separate bills to be sent by the County to Government Property.

If you have any questions, please contact the Watershed Management at (727) 464-4425.

PINELLAS COUNTY, FLORIDA

APPENDIX C

FORM OF NOTICE TO BE MAILED

Pinellas County
315 Court Street, 5th Floor
Clearwater, FL 33756

PINELLAS COUNTY, FLORIDA

NOTICE OF PUBLIC HEARING FOR ADOPTION OF
SURFACE WATER SERVICE ASSESSMENT AND
SURFACE WATER FEES

NOTICE DATE: AUGUST 20, 2013

Owner Name
Address
Address
County, State Zip

Parcel ID#: _____
Legal Description: _____
Sequence Number: _____

*****NOTICE TO PROPERTY OWNER*****

Dear Pinellas County Property Owner:

The past decades have brought increased awareness of the detrimental environmental impacts associated with stormwater runoff from developed property including degradation of surface waters, land erosion, flooding and collection of standing water on streets and property. In response to public demand and increased federal regulations imposed by the U. S. Environmental Protection Agency's National Pollution Discharge Elimination System stormwater permitting program as implemented by the Florida Department of Environmental Protection, Pinellas County has been mandated to improve stormwater management services, which require a dedicated funding source for these services by creating a surface water assessment and fee program to generate revenues.

Surface Water assessments and Surface Water fees are based upon the estimated amount of stormwater runoff generated by impervious surface on your property. Impervious surfaces include the rooftop, patios, driveways, parking lots and similar areas. The County has determined that the median single-family residence in the Surface Water Service Area includes 2,339 square feet of impervious surface, which is the value of one "equivalent residential unit" or "ERU Value." Single-family residential properties are categorized into one of four ERU tiers based on the estimated amount of impervious area associated with each parcel. Condominium units are charged generally by calculating the total number of ERUs applicable to the condominium complex as a whole, then dividing that total number of ERUs by the total number of condominium residential units on the property. For general parcels, such as commercial parcels, the number of ERUs has been calculated individually for each parcel of property by dividing the actual impervious surface area by 2,339 square feet. If you apply and qualify, credit for privately maintained stormwater management facilities and other factors affecting the quantity or quality of stormwater runoff will be applied, as applicable, resulting in the assignment of Net ERUs. Additionally, if you apply and qualify, certain Agricultural Property is granted a credit from payment of Surface Water Service Assessments pursuant to state law. The annual Surface Water Service Assessment rate for Fiscal Year 2013-14 and future fiscal years will be \$116.00 for each Net ERU. It is estimated that the County will collect \$17,879,374 from the Surface Water Service Assessments for Fiscal Year 2013-14.

The above referenced parcel has been assigned the following Net ERUs and assessment amounts:

Number of ERUs	
Annual Surface Water Service Assessment for FY 13-14 and future fiscal years	

The Pinellas County Board of County Commissioners will hold a public hearing at 6:00 p.m., or as soon thereafter as the item can be heard, on September 10, 2013, in the County Commission Chambers located at 315 Court Street, 5th Floor, Clearwater, Florida. Comments will be received on the proposed Surface Water Service Assessments, including their collection on the ad valorem tax bill, and the Surface Water Fees. You are invited to attend and participate in the hearing. You may also file written objections with the County within twenty (20) days of the date of this notice. Please include your name, parcel number, and the reason you object to the assessment on all written objections. Objections should be forwarded as follows: _____, Pinellas County Board of County Commissioners, 315 Court Street, 5th Floor, Clearwater, Florida 33756. If you decide to appeal any decision made by the Board with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the County Office of Human Rights, 400 South Fort Harrison Avenue,

Suite 500, Clearwater, Florida 33756 at (727) 464-4062 at least 48 hours prior to the date of the hearing. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice), for assistance.

Because the Surface Water Service Assessment will be collected by the Tax Collector of Pinellas County, pursuant to Chapter 197, Florida Statutes, failure to pay the Surface Water Service Assessment will cause a tax certificate to be issued against the assessed property, which may result in a loss of title to your property.

If there is a mistake on this notice it will be corrected. If you have any questions regarding the number of ERUs assigned to your property or the amount of the Surface Water Service Assessment or Surface Water Fee, please contact the Watershed Management by telephone at (727) 464-4425.

If you believe you may qualify for a mitigation credit for a privately maintained stormwater management facility or you believe your Agricultural Property is entitled to a full credit from the Surface Water Service Assessment, please contact the Watershed Management at (727) 464-4425 or go to www.co.pinellas.fl.us.

*******THIS IS NOT A BILL*******