
PINELLAS COUNTY, FLORIDA

FINAL SURFACE WATER RATE RESOLUTION

ADOPTED SEPTEMBER 10, 2013

TABLE OF CONTENTS

	<u>Page</u>
SECTION 1. AUTHORITY.	2
SECTION 2. DEFINITIONS.	3
SECTION 3. CONFIRMATION OF INITIAL SURFACE WATER RATE RESOLUTION.	3
SECTION 4. APPROVAL OF SURFACE WATER ROLLS.	3
SECTION 5. SURFACE WATER SERVICE ASSESSMENTS AND FEES.	3
SECTION 6. APPROVAL OF MITIGATION POLICY.	5
SECTION 7. COLLECTION OF SURFACE WATER SERVICE ASSESSMENTS.	7
SECTION 8. EFFECT OF ADOPTION OF RESOLUTION.	7
SECTION 9. EFFECTIVE DATE.	8

APPENDICES

APPENDIX A	PROOF OF PUBLICATION	A-1
APPENDIX B	AFFIDAVIT OF MAILING	B-1
APPENDIX C	MITIGATION CREDIT POLICY	C-1
APPENDIX D	FORM OF GOVERNMENT PROPERTY BILL	D-1
APPENDIX E	FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL	E-1

RESOLUTION NO. 13-____

A RESOLUTION OF PINELLAS COUNTY, FLORIDA, RELATING TO THE PROVISION OF SURFACE WATER MANAGEMENT SERVICES; CONFIRMING THE INITIAL SURFACE WATER RATE RESOLUTION; IMPOSING SURFACE WATER SERVICE ASSESSMENTS AND FEES AGAINST CERTAIN REAL PROPERTY IN THE UNINCORPORATED AREA OF PINELLAS COUNTY ESTABLISHED AS THE SURFACE WATER SERVICE AREA; APPROVING THE SURFACE WATER ROLLS; ESTABLISHING A MITIGATION CREDIT POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") of Pinellas County, Florida (the "County"), has enacted Ordinance No. 13-14 relating to the provision of services and capital facilities for Surface Water Management Services, which authorizes the imposition of Surface Water Service Assessments and Surface Water Fees against real property benefited by the County's Surface Water Management Services; and

WHEREAS, the imposition of a Surface Water Service Assessment and Surface Water Fees are an equitable and efficient method of allocating and apportioning the cost of the County's Surface Water Management Service among parcels of property that are benefited thereby; and

WHEREAS, the Board adopted Resolution No. 13-60, the Initial Surface Water Rate Resolution, geographically identifying the area within which the County provides Surface Water Management Services and those properties to be benefited by the County's Surface Water Management Services (the "Surface Water Service Area"), describing the method of assigning ERUs and apportioning the cost of the Surface Water Management Services (the "Surface Water Service Cost") against Developed Property located within the Surface Water Service Area, directing the preparation of the tentative Surface Water Rolls, and

directing the provision of the notices required by the Sections 4.03 and 4.04 of the Ordinance; and

WHEREAS, pursuant to the provisions of Section 4.05 of the Ordinance, the County is required to confirm or repeal the Initial Surface Water Rate Resolution, with such amendments as the Board deems appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Surface Water Rolls have heretofore been filed with the office of the Surface Water Utility Coordinator, as provided in Section 4.02 of the Ordinance; and

WHEREAS, in accordance with Sections 4.03 and 4.04 of the Ordinance, notice of a public hearing has been published and mailed to each property owner proposed to be charged, notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by the Section 4.05 of the Ordinance.

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Ordinance (Ordinance No. 13-14), the Initial Surface Water Rate Resolution (Resolution No.13-60), Article VIII, section 1(g), Florida Constitution, sections 125.01 and 125.66, Florida Statutes, the Pinellas County Charter, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This resolution is the Final Surface Water Rate Resolution for the imposition of Surface Water Service Assessments and Surface Water Fees. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Surface Water Rate Resolution.

SECTION 3. CONFIRMATION OF INITIAL SURFACE WATER RATE RESOLUTION. The Initial Surface Water Rate Resolution is hereby confirmed.

SECTION 4. APPROVAL OF SURFACE WATER ROLLS. The Surface Water Rolls, copies of which were present or available at the public hearing and on file in the office of the Surface Water Utility Coordinator and incorporated herein by reference, are hereby approved. 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 or Surface Water Fee for each Parcel is available on compatible electronic medium and can be determined by use of an available computer terminal.

SECTION 5. SURFACE WATER SERVICE ASSESSMENTS AND FEES.

(A) The Parcels of Developed Property described in the Surface Water Rolls are hereby found to be benefited by the County's Surface Water Management Services in the amount of the Surface Water Service Assessment or Surface Water Fee set forth in the applicable Surface Water Roll. Adoption of this Final Surface Water Rate Resolution constitutes a legislative determination that all Parcels charged derive a benefit, as set forth in the Ordinance and Initial Surface Water Rate Resolution, from the Surface Water Management Services to be provided and a legislative determination that the Surface Water Service Assessments and Surface Water Fees are fairly and reasonably

apportioned among the Developed Properties that receive the benefit as set forth in the Initial Surface Water Rate Resolution.

(B) The method for computing the Surface Water Service Assessments and Surface Water Fees and the assignment of ERUs described in the Initial Surface Water Rate Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2013, the updated, estimated Surface Water Service Cost to be assessed is \$20,500,000.00. The Surface Water Service Assessments and Surface Water Fees to be charged to all benefited parcels pursuant to the methodology approved in the Initial Surface Water Rate Resolution 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.

(D) The above rate of assessment per Net ERU is hereby approved. Surface Water Service Assessments and Surface Water Fees for the provision of Surface Water Management Services in the amounts set forth in the Surface Water Rolls, as herein approved, are hereby levied and imposed on all Parcels described in the Surface Water Rolls for the Fiscal Year beginning October 1, 2013.

(E) The Surface Water Service Assessments shall constitute a lien upon the Parcels so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien for Surface Water Service Assessments shall be deemed perfected upon adoption by the Board of this Final Surface Water Rate Resolution. Upon perfection, the lien for Surface Water Service Assessments collected under the Uniform Assessment Collection Act shall

attach to the property included on the roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 6. APPROVAL OF MITIGATION POLICY.

(A) As used in this Resolution, the following terms shall have the following meanings:

"Mitigation Credit" means, for any Parcel of Developed Property, a number between 0.0 and 0.75 representing a reduction in the burden expected to be generated by such Parcel attributable to privately maintained Stormwater management facilities and other factors affecting the quantity or quality of Stormwater runoff.

"Mitigation Credit Factor" means the figure computed by subtracting the Mitigation Credit from 1.00.

"Mitigation Credit Policy" means the Pinellas County Surface Water Utility Adjustments and Credits Policies and Procedures Manual attached hereto as Appendix C.

(B) The Board hereby finds that the Mitigation Credit Policy is fair and reasonable and, therefore, approves the Mitigation Credit Policy attached hereto as Appendix C.

(C) The Board recognizes the benefits provided by privately maintained Stormwater management facilities. Properties supporting private Stormwater management 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 the Mitigation Credit Policy.

(D) In order to receive a Mitigation Credit for which property is eligible, between November 1, 2013 and January 1, 2014 and, thereafter, between March 1 and May 1 preceding the Fiscal Year for which reapplication is required, the property owner shall file a

Mitigation Credit application with the Surface Water Utility Coordinator on a form approved by the Surface Water Utility Coordinator. The property owner may be required to provide the Surface Water Utility Coordinator with "as built" drawings of the Stormwater management facility sealed by a Florida registered professional engineer, a certification from a Florida registered professional engineer as to the standards of retention and detention achieved by the facility, evidence of compliance with any exemptions mandated under state law, or such other reasonable requirements as may be necessary to effectuate the purposes of this Section.

(E) The Surface Water Utility Coordinator, with the assistance of other members of the administrative staff of the County, shall, within forty-five (45) days after the filing of such application, review the application and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required in order to determine if the applicant is qualified for a Mitigation Credit pursuant to this Section.

(F) The Surface Water Utility Coordinator shall furnish his or her written decision to such applicant by United States mail, postage prepaid, addressed to the applicant at the address stated on the application.

(G) No Mitigation Credit shall be applied for service provided to property by a Stormwater management facility constructed or maintained with County funds.

(H) Upon approval, Mitigation Credits shall be valid for two Fiscal Years. Prior to the expiration of the Mitigation Credit, property owners must reapply in accordance with paragraph (D) of this Section.

SECTION 7. COLLECTION OF SURFACE WATER SERVICE ASSESSMENTS.

(A) The Surface Water Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in the Ordinance. The Surface Water Utility Coordinator is hereby authorized and directed to certify and deliver or cause the certification and delivery of the Surface Water Roll for the Surface Water Service Assessments to the Tax Collector by September 15, in the manner prescribed by section 197.3632, Florida Statutes. The Surface Water Roll for the Surface Water Service Assessments, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix E.

(B) The Surface Water Fees imposed against Government Property shall be billed, collected, and enforced pursuant to the alternative method of collection described in Section 6.04 of the Ordinance and Section 2.04 of the Initial Surface Water Rate Resolution. The Board hereby directs the Surface Water Utility Coordinator to mail said bills no later than November 1, 2013 in substantially the form attached hereto as Appendix D.

SECTION 8. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Surface Water Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the rate of the fee for service to Government Property, the rate of assessment, the adoption of the Surface Water Rolls and the levy and lien of the Surface Water Charges), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Surface Water Resolution.

SECTION 9. 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:

APPENDIX A

PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared _____, who, after being duly sworn, deposes and says:

1. _____, as Surface Water Utility Coordinator of Pinellas County, Florida (the "County"), pursuant to the authority and direction received from the Board, timely directed the preparation of the Surface Water Rolls and the preparation, mailing, and publication of notices in accordance with the Master Surface Water Utility Ordinance adopted by the Board on June 18, 2013 (the "Ordinance") and in conformance with the Initial Surface Water Rate Resolution adopted by the Board on June 18, 2013 (the "Initial Resolution").

2. In accordance with the Ordinance and the Initial Resolution, Mr./Ms. _____ timely provided all necessary information for notification of the Surface Water Service Assessment and Surface Water Fees to the Property Appraiser of Pinellas County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the County expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the

hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before August 20, 2013, Mr./Ms. _____ delivered and directed the mailing of the above-referenced notices in Paragraph 2 by _____, in accordance with the Ordinance and the Initial Assessment Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Pinellas County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

4. For Government Property, Mr./Ms. _____ has caused the notices to be prepared and mailed in conformance with the Initial Resolution. An exemplary form of such notice is attached hereto. Mr./Ms. _____ has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the charge; the total amount proposed to be imposed against each parcel; the unit of measurement to be applied against each parcel to determine the fee; the number of such units contained within each parcel; the total revenue the County expects to collect; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board prior to the hearing; and the date, time, and place of the hearing.

5. _____ is Production Manager of _____. As directed above, _____, mailed or caused to be mailed on or before August 20, 2013, the above-referenced notices delivered to _____ by Mr./Ms. _____.

FURTHER AFFIANTS SAYETH NOT.

_____, affiant

_____, affiant

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2013 by _____, Surface Water Utility Coordinator, Pinellas County, Florida. He/She is personally known to me or has produced as identification and did take an oath.

Printed Name: _____
Notary Public,
State of Florida At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2013 by _____, _____. He/She is personally known to me or has produced as identification and did take an oath.

Printed Name: _____
Notary Public,
State of Florida At Large
My Commission Expires: _____
Commission No.: _____

APPENDIX C
MITIGATION CREDIT POLICY

APPENDIX C
MITIGATION CREDIT POLICY

[TO COME]

APPENDIX D

FORM OF GOVERNMENT PROPERTY BILL

APPENDIX D

FORM OF BILL FOR GOVERNMENT PROPERTY

Pinellas County
[ADDRESS]

Owner Name
Address
City, State Zip

Tax Parcel #: _____

Legal Description: _____

*****THIS IS A BILL*****

Pinellas County has imposed an annual Surface Water utility fee for the fiscal year October 1, 2013 - September 30, 2014 (FY13-14). The purpose of this charge is to fund the County's provision of Surface Water Management Services, facilities, and programs benefiting property located within the unincorporated area of the County. The annual Surface Water Fee on your property is based on the amount of impervious area on your property, as expressed in Equivalent Residential Units (ERUs).

The total number of ERUs on the above parcel is _____.

The annual Surface Water Fee for the above parcel is \$_____ for FY13-14 and future fiscal years.

The total amount due is \$_____.

The FY13-14 Surface Water Fee is due and payable on or March 31, 2014. Payments are subject to the following discounts when paid by the date indicated (please pay only one amount):

		<u>Amount</u>
November 30, 2013:	4%	\$
December 31, 2013:	3%	\$
January 31, 2014:	2%	\$
February 28, 2014:	1%	\$

Payments received after March 31, 2014 will be considered delinquent. Failure to pay the may cause the institution of mandamus proceedings to compel payment.

Please remit the below portion with your payment. Payment in person may be made at the Pinellas County Administration Building, [ADDRESS], Clearwater, Florida [ZIP CODE].

Remit to: Pinellas County
[MAILING ADDRESS]

Tax Parcel ID#: _____

Payment Amount: _____

APPENDIX E

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Chairman of the Board of the County Commissioners, or authorized agent, of Pinellas County, Florida (the "County"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for Surface Water management services (the "Non-Ad Valorem Assessment Roll") for the County is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Pinellas County Tax Collector by September 15, 2013.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Pinellas County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of _____, 2013.

PINELLAS COUNTY, FLORIDA

By: _____
Chairman

[to be delivered to Tax Collector prior to September 15]