
PINELLAS COUNTY, FLORIDA

FY 2016-2017 PRELIMINARY SURFACE WATER RATE RESOLUTION

ADOPTED JUNE 21, 2016

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RESOLUTION NO. 16-42

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF 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; ESTABLISHING THE METHOD OF CHARGING THE COST OF SURFACE WATER MANAGEMENT SERVICES AGAINST THE REAL PROPERTY THAT WILL BE BENEFITTED AND SERVED THEREBY; DIRECTING THE SURFACE WATER UTILITY COORDINATOR TO PREPARE OR DIRECT THE PREPARATION OF AN UPDATED SURFACE WATER SERVICE 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 FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pinellas County, Florida (the "Board") 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 benefitted by the County's Surface Water Management Services; and

WHEREAS, pursuant to Ordinance No. 13-14, every year the Board adopts a Preliminary Surface Water Rate Resolution estimating the County's Annual Surface Water Service Cost and assessment/fee rate needed to meet this cost; and

WHEREAS, the Preliminary Surface Water Rate Resolution also notifies the public of the methodology behind the Surface Water Service Assessment as well as the public hearing where the Annual Surface Water Rate Resolution will be considered by the Board for adoption; and

WHEREAS, at the public hearing to consider adoption of the Annual Surface Water Rate Resolution, the Board shall confirm or repeal this Preliminary Surface Water Rate

Resolution, with such amendments as the Board deems appropriate.

NOW THEREFORE, 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 Chapter 166, Article VI of the Pinellas County Land Development Code (the "Code"), the Initial Surface Water Rate Resolution (Resolution No. 13-60), the Final Surface Water Rate Resolution (Resolution No.13-136), Article VIII, Section 1(g), Florida Constitution, the Pinellas County Charter, Section 125.01, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS.

(A) This resolution constitutes the Preliminary Surface Water Rate Resolution as defined in Section 166-506 of the Code; it initiates the annual process for updating the Surface Water Rolls and directs the re-imposition of Surface Water Assessments and Surface Water Fees for the Fiscal Year beginning October 1, 2016.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Code, the Initial Surface Water Rate Resolution and the Final Surface Water Rate Resolution. As used in this Preliminary Surface Water Rate Resolution, the following terms have the following meanings, unless the context hereof otherwise requires:

"Condominium Residential Unit Parcel" means a Tax 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 Land Use Code of 0430, 0431, 0436, 3937, or 3944, together with those Tax Parcels that the Surface Water Utility Coordinator has determined should be treated as Condominium Residential Unit Parcels based upon an individual verification of property use.

"Condominium Non-Residential Unit Parcel" means a Tax 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 assigned a Land Use Code of 1134, 1738, or 4148, together with those Tax Parcels that the Surface Water Utility Coordinator has determined should be treated as Condominium Non-Residential Unit Parcels based upon an individual verification of property use.

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

"Land Use Codes" mean the four-digit codes assigned by the Property Appraiser to properties within the County designating the predominant use of the property.

"Residential Subdivision Parcel" means a Single Family Parcel within a platted residential subdivision as defined in Section 193.0235, Florida Statutes, or its statutory successor in function, that also has Subdivision Common Elements associated therewith, together with those Tax Parcels that the Surface Water Utility Coordinator has determined should be treated as Residential Subdivision Parcels based upon an individual verification of property use.

"Single Family Parcel" means a Tax Parcel of Developed Property assigned a Land Use Code of 0000, 0090, 0110, 0133, 0260, or 0261, together with those Tax Parcels that the Surface Water Utility Coordinator has determined should be treated as Single Family Parcels based upon an individual verification of property use.

"Subdivision Common Element" means property within a platted residential subdivision as defined in Section 193.0235, Florida Statutes, or its statutory successor in function, the taxable value of which has been attributed to the Single Family Parcels within that platted residential subdivision.

(C) 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 3. PROVISION AND FUNDING OF SURFACE WATER MANAGEMENT SERVICES.

(A) Upon the imposition of Surface Water Assessments and Surface Water Fees for Surface Water Management Services against Developed Property located within the Surface Water Service Area, the Surface Water Utility created by Section 166-451 of the Code shall provide Surface Water Management Services to such Developed Property. All or any portion of the Surface Water Service Cost to provide such Surface Water Management Services shall be funded from proceeds of the Surface Water Assessments and Surface Water Fees. The remaining cost required to provide Surface Water Management Services shall be funded by legally available County revenues.

(B) 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.

(C) The Surface Water Service Area created in Section 2.01 of the Initial Surface Water Rate Resolution is hereby confirmed and established as the service area for the fiscal year beginning on October 1, 2016, and it is hereby ascertained, determined, and declared each parcel of Developed Property located within the Surface Water Service Area will be benefited by the County's provision of Surface Water Management Services in an amount not less than the Surface Water Assessment or Surface Water Fee imposed against such parcel, computed in the manner set forth in this Preliminary Surface Water Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF SURFACE WATER SERVICE

ASSESSMENTS AND SURFACE WATER FEES.

(A) The estimated Surface Water Service Cost for the Fiscal Year beginning on October 1, 2016 is \$20.9M.

(B) 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 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.

(C) 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 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.

(D) For the Fiscal Year beginning October 1, 2016, 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 \$117.74; provided however, that the \$117.74 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 5. LEGISLATIVE FINDINGS.

(A) The legislative findings embodied in the Code, the Initial Surface Water Rate

Resolution, and the Final Surface Water Rate Resolution are affirmed and incorporated herein by reference.

(B) In Section 193.0235, Florida Statutes, the Florida Legislature mandates that non-ad valorem assessments, such as the Surface Water Service Assessments, not be assessed separately against Subdivision Common Elements regardless of the ownership of that Subdivision Common Element. Rather the County is directed that any non-ad valorem assessment that would otherwise be imposed on a Subdivision Common Element must be assessed against the properties within the platted residential subdivision. Accordingly, it is fair and reasonable to prorate among all Single Family Parcels within a platted residential subdivision any Surface Water Service Assessment that would otherwise be imposed against a Subdivision Common Element in the manner provided in Section 193.0235, Florida Statutes.

SECTION 6. 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, Subdivision Common Elements, Residential Subdivision Parcels, or General Parcels.

SECTION 7. DETERMINATION OF NET ERUs.

(A) The determination of Net ERUs embodied in the following Sections of the Initial Surface Water Rate Resolution are affirmed and incorporated herein by reference: Section 3.02 for Single Family Parcels, Section 3.04 for Non-Residential Condominium Parcels, and Section 3.05 for General Parcels.

(B) The determination of Net ERUs for Condominium Residential Unit Parcels and Residential Subdivision Parcels shall be provided as follows:

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

(a) 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.

(b) 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.

(c) Similarly a Single Family Parcel located within a platted residential subdivision as defined in Section 193.0235, Florida Statutes, may share an interest in appurtenant Subdivision Common Elements.

(d) It is fair and reasonable and in accordance with section 193.0235, Florida Statutes, to attribute the Impervious Area of Subdivision Common Elements to the Residential Subdivision Parcels to which such Subdivision Common Elements are appurtenant.

(2) 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.

(3) The number of Net ERUs attributable to each Residential Subdivision Parcel shall be the amount computed by multiplying (a) the amount calculated by (i) dividing the

Impervious Area of the platted residential subdivision in which the Residential Subdivision Parcel is located, including any Subdivision Common Elements, by the ERU Value, and (ii) dividing the result by the total number of Residential Subdivision Parcels located within such platted residential subdivision, by (b) the appropriate Mitigation Credit Factor.

SECTION 8. MITIGATION CREDIT POLICY. 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 the Mitigation Credit Policy.

SECTION 9. ANNUAL SURFACE WATER ROLLS.

(A) The Surface Water Utility Coordinator is hereby directed to prepare, or direct the preparation of, the Surface Water Roll for the Surface Water Service Assessments and the Surface Water Roll for the Surface Water Fees in the manner provided in the Code and in accordance with this Preliminary Surface Water Rate Resolution.

(B) A copy of this Preliminary Surface Water Rate Resolution and the updated 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 10. 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 166-561 of the Code.

(B) The Surface Water Fees shall be collected from all Government Property

pursuant to Section 166-564 of the Code.

SECTION 11. PUBLIC HEARING. A public hearing will be conducted by the Board on Wednesday, September 14, 2016 in the County Board Chambers, 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 166- 564 of the Code.

SECTION 12. NOTICE BY PUBLICATION. The Surface Water Utility Coordinator shall publish a notice of the public hearing authorized by Section 11 hereof in the manner and the time provided in Section 166-503 of the Code. The published notice shall be published no later than August 25, 2016 in substantially the form attached hereto as Appendix A.

SECTION 13. NOTICE BY MAIL.

(A) If the circumstances outlined in Section 166-506(f) of the Code so require, the Surface Water Utility Coordinator shall, at the time and in the manner specified in Section 166-504 of the Code, provide first class mailed notice of the public hearing authorized by Section 11 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 25, 2016 in substantially the form attached hereto as Appendix B.

(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 13, then the separate mailing requirement described in paragraph (A) will be deemed fulfilled by the TRIM notice.

SECTION 14. 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 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 1, 2016 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 166-534 of the Code. 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 166-534 of the Code. 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 15. SEVERABILITY. If any Section, Subsection, sentence, clause, phrase, or provision of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Resolution invalid or unconstitutional.

SECTION 16. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

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

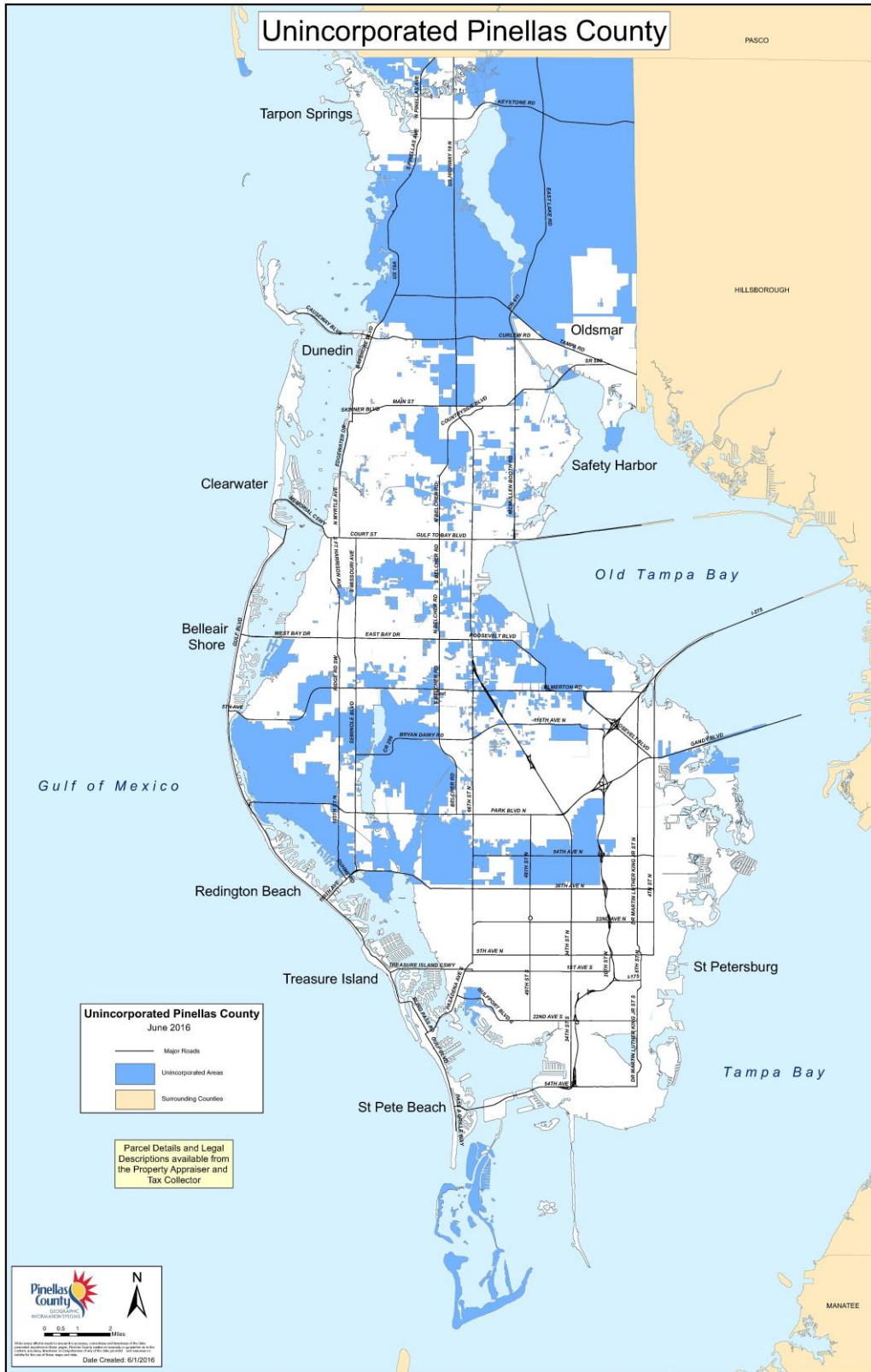
AYES: Justice, Long, Welch, Eggers, Gerard, Seel and Morrioni.

NAYS: None.

Absent and not voting: None.

APPENDIX A
FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 25, 2016



**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 was established by the County in 2013 to assist in funding this effort. Accordingly, the Pinellas County Board of County Commissioners (the "Board") will conduct a public hearing to consider the continued 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 14, 2016 in the Board Chambers 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 please contact the Office of Human Rights, 400 South Fort Harrison Avenue, Suite 500, Clearwater, Florida 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 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: Surface Water Assessment Fee, 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 \$117.74 for each Net ERU. The annual Surface Water Fee rate for the upcoming Fiscal Year and future fiscal years will be \$117.74 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 (Resolution No. 13-60), the Final Surface Water Rate Resolution (Resolution No.13-136), and the FY17 Preliminary Surface Water Rate Resolution (Resolution No. 16-___). Copies of these resolutions and the updated Stormwater rolls are available for inspection at the Board Records office, 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.pinellascounty.org.

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 2016. 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 regarding the number of ERUs assigned to your property or the amount of the Surface Water Fee, please contact Environmental Management by telephone at (727) 464-8759.

PINELLAS COUNTY, FLORIDA

APPENDIX B
FORM OF NOTICE TO BE MAILED



A Notice to Pinellas County Property Owners About the Proposed Surface Water Assessment

In September 2013, the Pinellas County Board of Commissioners implemented a surface water assessment and fee for stormwater services in unincorporated Pinellas County. The assessment is based on the impervious area of a property, where 1 Equivalent Residential Unit (ERU/Unit) = 2,339 square feet of impervious area. Impervious areas are hard surfaces that contribute runoff to the stormwater system. It is proposed that each ERU/Unit be assessed at a rate of \$117.74 for Fiscal Year 2016-2017 and future fiscal years. The estimated total revenue that will be collected from the Fiscal Year 2016-2017 Surface Water Assessment and Fee is \$19.6 million.

Certain properties may see an increase in their assessment this year due to refinements in the impervious data used to calculate the assessment. This data refinement includes more accurate distribution of common amenities in condominium phasing as well as planned unit developments. Other data refinements include digitizing of missing impervious areas.

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.

The Pinellas County Board of County Commissioners will hold a public hearing at 6:00 p.m., on September 14, 2016, in the County Commission Chambers located at 315 Court Street, 5th Floor, Clearwater, Florida. 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: Surface Water Assessment, Pinellas County Board of County Commissioners, 315 Court Street, 5th Floor, Clearwater, Florida 33756.

For more information please contact Environmental Management at (727) 464-8759 or visit our website at <http://www.pinellascounty.org/surfacewater>

Funding for this insert was provided by the Pinellas County Surface Water Utility. Pinellas County complies with the Americans with Disabilities Act. To obtain accessible formats of this document, please contact the Communications Department at (727) 464-4600.

06/16

APPROVED AS TO FORM

By:


Office of the County Attorney