
PINELLAS COUNTY, FLORIDA

FY 2016-2017 ANNUAL SURFACE WATER RATE RESOLUTION

ADOPTED SEPTEMBER 14, 2016

TABLE OF CONTENTS

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

APPENDICES

APPENDIX A	PROOF OF PUBLICATION A-1
APPENDIX B	AFFIDAVIT OF MAILING.....B-1
APPENDIX C	FORM OF GOVERNMENT PROPERTY BILLC-1
APPENDIX D	FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL..... D-1

RESOLUTION NO. 16-__

A RESOLUTION OF PINELLAS COUNTY, FLORIDA, RELATING TO THE PROVISION OF SURFACE WATER MANAGEMENT SERVICES; CONFIRMING THE FY 2016-2017 PRELIMINARY SURFACE WATER RATE RESOLUTION; IMPOSING SURFACE WATER SERVICE ASSESSMENTS AND SURFACE WATER FEES AGAINST CERTAIN REAL PROPERTY IN THE UNINCORPORATED AREA OF PINELLAS COUNTY ESTABLISHED AS THE SURFACE WATER SERVICE AREA; APPROVING THE SURFACE WATER ROLLS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Article VI of the Pinellas County Land Development Code (the "Code") authorizes the Board of County Commissioners (the "Board") of Pinellas County, Florida (the "County") to impose Surface Water Service Assessments and Surface Water Fees against real property benefited by the County's Surface Water Management Services; and

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

WHEREAS, the Board has entered into agreement with the Property Appraiser and Tax Collector pursuant to Section 197.3632(2) of the Florida Statutes, relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments for the collection of Surface Water Assessments, as provided in Section 166-561 of the Code; and

WHEREAS, the Board adopted Resolution No. 16-42, the FY 2016-2017 Preliminary 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 Sections 166-503 and 166-504 of the Code; and

WHEREAS, pursuant to the provisions of Section 166-506 of the Code, the County is required to confirm or repeal the FY 2016-2017 Preliminary 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 updated and filed with the office of the Surface Water Utility Coordinator, as provided in Section 166-506 of the Code; and

WHEREAS, notice of a public hearing has been published in accordance with Section 166-503 of the Code and, if required by the terms of Section 166-506 of the Code, mailed to each affected property owner in accordance with Section 166-504 of the Code, notifying such property owners 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 on September 14, 2016 and comments and objections of all interested persons have been heard and considered as required by the Section 166-506 of the Code.

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

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 166, Article VI of the Code; the Initial Surface Water Rate Resolution (Resolution No.13-60); the Final Surface Water Rate Resolution (Resolution No. 13-136); the FY 2016-2017 Preliminary Surface Water Rate Resolution (Resolution No. 16-42); the Pinellas County Charter; Article VIII, Section 1(g) of the Florida Constitution; Section 125.01 of the Florida Statutes; and other applicable provisions of law.

SECTION 3. DEFINITIONS.

(A) This Resolution is the FY 2016-2017 Annual Surface Water Rate Resolution for the imposition of Surface Water Service Assessments and Surface Water Fees.

(B) Unless otherwise defined below, all capitalized terms in this Resolution shall have the meanings defined in the Code, the Initial Surface Water Rate Resolution, the Final Surface Water Rate Resolution, and the FY 2016-2017 Preliminary Surface Water Rate Resolution.

SECTION 4. CONFIRMATION OF PRELIMINARY SURFACE WATER RATE RESOLUTION. The FY 2016-2017 Preliminary Surface Water Rate Resolution is hereby confirmed.

SECTION 5. APPROVAL OF SURFACE WATER ROLLS. The updated 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, are incorporated herein by reference and 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 6. 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 FY 2016-2017 Annual Surface Water Rate Resolution constitutes a legislative determination that all Parcels charged derive a benefit from the Surface Water Management Services to be provided.

(B) Adoption of this FY 2016-2017 Annual Surface Water Rate Resolution also constitutes 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 from the Surface Water Management Services and are consistent with the legislative declarations, determinations and findings set forth in the Code, the Initial Surface Water Rate Resolution, the Final Surface Water Rate Resolution, the FY 2016-2017 Preliminary Surface Water Rate Resolution, and this 2016-2017 Annual Surface Water Rate Resolution.

(C) The method for computing the Surface Water Service Assessments and Surface Water Fees and the assignment of ERUs described in the FY 2016-2017 Preliminary Surface Water Rate Resolution is hereby approved.

(D) For the Fiscal Year beginning October 1, 2016, the estimated Surface Water Service Cost, excluding collection costs, is \$20.9 million. The Surface Water Service Assessments and Surface Water Fees to be charged to all benefited parcels pursuant to the methodology set forth in the Initial Surface Water Rate Resolution, as that methodology was amended by the FY 2016-2017 Preliminary 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 rate of \$117.74 per Net ERU.

(E) The above rate 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, 2016.

(F) 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 FY 2016-2017 Annual Surface Water Rate Resolution. Upon perfection, the lien for Surface Water Service Assessments shall attach to the property included on the roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 7. COLLECTION OF SURFACE WATER SERVICE ASSESSMENTS.

(A) The Surface Water Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act established in Section 197.3632 of the Florida Statutes and as provided in Section 166-561 of the Code. Under the Uniform Assessment Collection Act, the Surface Water Roll is subject to all collection provisions of Chapter 197 of the Florida Statutes, and shall be included on the annual Notice of Proposed Property Taxes (TRIM) and Tax Bill for each tax year—which in this case runs from January 1 through December 31, 2016. Notwithstanding the above, this FY 2016-2017 Annual Surface Water Rate Resolution reflects anticipated budget needs for the 2016-2017 Fiscal Year, which runs from October 1, 2016 through September 30, 2017. Thus, the

assessments authorized by this FY 2016-2017 Annual Surface Water Rate Resolution shall be collected on the 2016 Tax Bill. 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, 2016. 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 D.

(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 166-564 of the Code and Section 10 of the FY 2016-2017 Preliminary Surface Water Rate Resolution. The Board hereby directs the Surface Water Utility Coordinator to mail said bills no later than November 1, 2016 in substantially the form attached hereto as Appendix C.

SECTION 8. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this FY 2016-2017 Annual 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 updated 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 adoption of this FY 2016-2017 Annual 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:

Approved as to form: _____
Assistant County Attorney

APPENDIX A

PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

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

1. Kelli Hammer Levy, as Surface Water Utility Coordinator of Pinellas County, Florida (the "County"), pursuant to the authority and direction received from the Pinellas County Board of County Commissioners (the "Board"), timely directed the preparation of the Surface Water Rolls and the preparation, mailing, and publication of notices in accordance with Chapter 166, Article VI of the Pinellas County Land Development Code (the "Code") and in conformance with the FY 2016-2017 Preliminary Surface Water Rate Resolution adopted by the Board on June 21, 2016.

2. In accordance with the Code and the FY 2016-2017 Preliminary Rate Resolution, Ms. Levy timely provided all necessary information to the Property Appraiser of Pinellas County for notification of the Surface Water Service Assessments, to be included as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, also known as the truth-in-millage or TRIM notification ("TRIM Notice"), for each affected property owner. The information provided to the Property Appraiser to be included on the ~~truth in millage notification~~ TRIM Notice for each affected property owner includes the following: the rate to be levied against each parcel; the number of such units contained within each parcel; and the date, time, and place of the public hearing. In addition to the ~~truth in mileage notification~~ TRIM Notice, if an affected parcel owner's assessment increased, a ~~truth in mileage~~ TRIM insert was provided in compliance with Fla. Stat. § 197.3632(4)(b). The insert describing describes the purpose of the Surface Water Assessments and Surface Water Fees; the total revenue the County expects to collect from the Surface Water Assessments and Surface Water Fees; a statement that failure to pay the assessment will cause a tax

Commented [CAS1]: Should we clarify whether this means an increase in ERU rate vs. change in # of ERUs on the property? What is the criteria? (Not necessary to change but may be helpful if questions arise)

certificate to be issued against the property which may result in a loss of title; and a statement that all affected property owners have a right to appear at the public hearing and to file written objections with the Board within 20 days of the notice.

3. On or before August 25, 2016, in accordance with the Code and the FY 2016-2017 Preliminary Rate Resolution, Ms. Levy directed the Property Appraiser of Pinellas County to mail the above-referenced notices in Paragraph 2 of this Affidavit by via U.S. First Class Mail to each affected property owner. ~~Ms. Levy directed that the notices, to~~ be sent as part of the annual TRIM mailing to 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, on or before August 25, 2016, in accordance with the Code and the FY 2016-2017 Preliminary Rate Resolution, Ms. Levy caused notices of Surface Water Fees to be prepared and mailed via U.S. First Class Mail to each affected property owner. Each notice mailed to affected owners of Government Property includes the following information: the purpose of the Surface Water Assessments and Surface Water Fees; the rate to be levied 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 from the Surface Water Assessments and Surface Water Fees; a statement that all affected property owners have a right to appear at the public hearing and to file written objections with the Board within 20 days of the notice; and the date, time, and place of the public hearing.

5. Ms. Levy, mailed or caused to be mailed the herein-referenced notices as described above.

FURTHER AFFIANT SAYETH NOT.

Kelli Hammer Levy, affiant

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ____day of _____, 2016 by Kelli Hammer Levy, Surface Water Utility Coordinator, Pinellas County, Florida. 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
FORM OF GOVERNMENT PROPERTY BILL

Pinellas County Surface Water Utility
22211 US Hwy 19 N
Building 10
Clearwater, FL 33765



Owner
Street Address
City, State Zip

Dear Property Owner:

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

Pinellas County has imposed a Surface Water Assessment and Surface Water Fee for the Fiscal Year October 1, 2016 - September 30, 2017 (FY16-17). The purpose of this charge is to fund the County's provision of Surface Water Management Services benefiting property located within the unincorporated area of the County. The Surface Water Fee on your property is based on the amount of impervious area on your property, as expressed in Equivalent Residential Units (ERUs).

Parcel ID#:

Legal Description:

The total number of ERUs on the above parcel is _____

The annual Surface Water Fee for the above parcel is \$_____ for FY16-17.

The FY16-17 Surface Water Fee is due and payable on or before March 31, 2017. Payments are subject to the following discounts when paid by the date indicated (please pay only one amount):

<u>Paid By Date</u>	<u>Discount</u>	<u>Amount Due</u>
November 30, 2016:	4%	
December 31, 2016:	3%	
January 31, 2017:	2%	
February 28, 2017:	1%	
March 31, 2017	---	

Payments received after March 31, 2017 will be considered delinquent. Failure to pay may cause the institution of mandamus proceedings to compel payment.

Please remit the below portion with your payment.

Remit to:

Pinellas County Surface Water Utility
22211 US Hwy 19 N
Building 10
Clearwater, FL 33765

Parcel ID#: _____
Amount Included: _____

APPENDIX D

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 showing the non-ad valorem assessments attributable to the property listed therein have been made pursuant to applicable 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 County Tax Collector by September 15, 2016.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this ____ day of _____, 2016.

PINELLAS COUNTY, FLORIDA

By: _____
Chairman

[to be delivered to County Tax Collector by September 15]