



# Pinellas County

## Legislation Details (With Text)

**File #:** 22-0243A      **Version:** 1

**Type:** Contract/Agreement      **Status:** Passed

**File created:** 2/4/2022      **In control:** Public Works

**On agenda:** 4/12/2022      **Final action:** 4/12/2022

**Title:** Agreement with the Tax Collector’s Office to collect and be compensated for collection of the non-ad valorem special assessment for the restoration of Hidden Cove II Oak Street Retention Pond in unincorporated Clearwater.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. FE\_Agreement with the Tax Collector’s Office Protected, 2. AATF - Agreement, 3. Resident Assessment Acknowledgement Forms, 4. Project Location Map, 5. Resolution No. 21-114

Date	Ver.	Action By	Action	Result
4/12/2022	1	Board of County Commissioners	approved	Pass

**Subject:**

Agreement with the Tax Collector’s Office to collect and be compensated for collection of the non-ad valorem special assessment for the restoration of Hidden Cove II Oak Street Retention Pond in unincorporated Clearwater.

**Recommended Action:**

Approval of the agreement with the Tax Collector’s Office to collect and be compensated for collection of the non-ad valorem special assessment for the restoration of Hidden Cove II Oak Street Retention Pond in unincorporated Clearwater.

- The first public hearing held, and Board Resolution No. 21-114 was adopted October 12, 2021, approving the use of State Uniform Non-Ad Valorem collection method to fund restoration of the retention pond, and directing staff to estimate project costs and develop assessment methodology for the two property owners who have agreed to participate in the assessment.
- The agreement with the Tax Collector’s Office implements the provisions of Section 197.3632, Florida Statutes, governing the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, for the purpose of levying a non-ad valorem assessment on two parcels in the Hidden Cove II Oak Street Subdivision for dredging a stormwater pond owned by such parcels.
- Pursuant to section 197.3632(2), Florida Statutes, and Section 12D-18.004(2), Florida Administrative Code, the Board must enter into a written agreement with the Tax Collector providing for the Tax Collector to collect the assessment and be compensated for same.

The Tax Collector will collect an amount not to exceed \$34,000.00 (\$17,000.00 per homeowner) to be paid by the property owners to County over the Agreement period; Agreement shall commence upon execution and will expire after assessment has been fully collected by December 31, 2031; Authorize the Clerk of the Circuit Court to attest.

**Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to create and enhance a safe, secure, and healthy community

2.2 Be a facilitator, convener, and purchase of services for those in need

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air, and other nature resources

Deliver First-Class Services to the Public and Our Customers

5.4 Strive to serve the needs of all Pinellas County residents and customers

**Summary:**

The Board is entering into a written Agreement for the purposes of the Tax Collector to collect the Assessment (\$34,000.00) and be compensated for same. The Tax Collector will be compensated at a rate not to exceed two percent (2%) or \$680.00, over ten (10) years, of the collected Assessment or collection costs. Furthermore, the Tax Collector will be reimbursed for necessary administrative costs for the collection and enforcement of the Assessment, including but not be limited to those costs associated with advertisements, personnel, forms, supplies, data processing, computer equipment, postage, and programming, pursuant to section 197.3632(2) and 192.091(2)(b), Florida Statutes, and Rule 12D-18.004(2), Florida Administrative Code.

Oak Street Pond is a private stormwater facility owned by two (2) property owners located at 1836 and 1860 Oak Street. The pond filled in with sediments over several decades due to lack of maintenance, thereby decreasing its storage capacity and causing localized flooding. There is public purpose for dredging the Oak Street Pond to restore storage capacity, abate flooding concerns, and improve water quality for the assessed properties.

The Board of County Commissioners (Board) previously adopted Resolution No. 21-114, on October 12, 2021, to approve the use of a special assessment. The exact project cost will determine the amount of the special assessment not to exceed \$34,000, to be spread over approximately ten (10) years.

In accordance with 197.3632(2), 2021 Florida Statutes, a second public hearing is required prior to the beginning of Fiscal Year (FY) 2023. It is anticipated the Public Hearing will take place in June 2022.

This step needs to occur for the Assessment to be included on the 2022 Non-Ad Valorem Tax Roll. Placement of the Assessment is required on the July 2022 Truth in Millage (TRIM) Notice to the property owner.

**Background Information:**

In October 2017, County staff received complaints of street flooding related to a privately owned pond located at 1837 & 1860 Oak Street in unincorporated Clearwater. An inspection of the pond revealed excess sedimentation and vegetation had reduced the pond capacity and resulted in repeated flooding over both lanes of the Oak Street right-of-way.

Based on records research, County staff determined the property owners are responsible to maintain

the pond. Public Works attempted to relieve the road flooding issue by clearing the inflow and outflow. Following that effort, a warning notice was sent to the property owners on May 11, 2018 informing them of their maintenance responsibilities, requesting each property owner to develop and submit a plan, with timeline, to remove the excess vegetation and sediment from the pond as listed in the notice.

After several discussions with contractors, costs for the project were estimated to present a significant financial burden for each property owner therefore the option of a special non-ad valorem assessment was discussed. The County received signed letters from each property owner acknowledging their interest in pursuing a potential non-ad valorem assessment to bring the Oak Street pond in compliance.

The property owners elected to participate in the Adopt-A-Pond Program, which allowed Public Works to participate in removal of the nuisance vegetation. The owners will also receive native plants and neighborhood education. The remainder of the project cost for sediment removal is not to exceed \$34,000, which would be assessed to the property owners.

**Fiscal Impact:**

Pond restoration is estimated at \$17,000.00 per homeowner for a combined total not to exceed \$34,000.00. The Board is entering into a written Agreement with the Tax Collector for the purposes of the Tax Collector to collect the Assessment and be compensated for same. Additionally, the Tax Collector will be compensated at a rate not to exceed two percent (2%) or \$680.00, over ten (10) years, of the collected Assessment or collection costs. Furthermore, the Tax Collector will be reimbursed for necessary administrative costs for the collection and enforcement of the Assessment, including but not be limited to those costs associated with advertisements, personnel, forms, supplies, data processing, computer equipment, postage, and programming, pursuant to section 197.3632(2) and 192.091(2)(b), Florida Statutes, and Rule 12D-18.004(2), Florida Administrative Code.

The funding source is the Surface Water Assessment Fund. Funds are budgeted in the operating budget for the Environmental Monitoring and Assessment Program.

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works  
Brendan Mackesey, Assistant County Attorney

**Partners:**

Tax Collector Office

**Attachments:**

Agreement  
Resident Assessment Acknowledgement Forms  
Project Location Map  
Resolution No. 21-114