



Pinellas County

Legislation Details (With Text)

File #: 20-1423A **Version:** 1
Type: Contract/Agreement **Status:** Passed
File created: 7/28/2020 **In control:** Board of County Commissioners
On agenda: 9/10/2020 **Final action:** 9/10/2020
Title: Ordinance Amendments to Chapter 110, Special Assessments including repealing Article II (Public Lake Improvements) of Chapter 130 (Waterways), revising Chapter 110 (Special Assessments) providing for lake improvements to be assessed using the Uniform Non-Ad Valorem Collection Method under Chapter 110, and providing for other revisions to Chapter 110 consistent with the Uniform Non-Ad Valorem Collection Method.

Sponsors:

Indexes:

Code sections:

Attachments: 1. State-Filed ORD 20-21, 2. Adopted ORD 20-21, 3. Affidavit of Publication - Notice of Public Hearing, 4. Chapter 110 Ordinance Ad BM 081720, 5. Ch 110 Special Assessments Ordinance Clean BM 081020, 6. AATF'd Ch 110 Special Assessments Ordinance Clean BM 081020, 7. Ch 110 Special Assessments Ordinance Redlined BM 081020, 8. Ch 110 Special Assessments Ordinance Redlined BM 081020, 9. OLD Ch 110 Ordinance - Redline, 10. OLD Ch 110 Ordinance - Clean

Date	Ver.	Action By	Action	Result
9/10/2020	1	Board of County Commissioners	approved	Pass

Subject:

Ordinance Amendments to Chapter 110, Special Assessments including repealing Article II (Public Lake Improvements) of Chapter 130 (Waterways), revising Chapter 110 (Special Assessments) providing for lake improvements to be assessed using the Uniform Non-Ad Valorem Collection Method under Chapter 110, and providing for other revisions to Chapter 110 consistent with the Uniform Non-Ad Valorem Collection Method.

Recommended Action:

Adopt the amendments to Chapter 110, Special Assessments including repealing Article II (Public Lake Improvements) of Chapter 130 (Waterways) and revising Chapter 110 (Special Assessments) providing for lake improvements to be assessed using the Uniform Non-Ad Valorem Collection Method (Uniform Method) under Chapter 110.

- Provides increased flexibility for how all improvements authorized under Chapter 110 are assessed.
- Permits lake improvements to be assessed using the Uniform Method consistent with other special assessments.
- Permits assessments authorized under Chapter 110 to be initially levied before or after construction.
- Deletes superfluous and unnecessary language in Chapter 110.
- Repeals Chapter 130, Waterways, Article II, Public Lake Improvements as predating and being inconsistent with F.S. 197.3632, 197.3635, Uniform Method and no longer necessary if the

amendments to Chapter 110 are adopted.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Providing planning, coordination, prevention, and protective services to ensure a safe and secure community

Practice Superior Environmental Stewardship

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

Deliver First Class Services to the Public and Our Customers

5.2 Be responsible stewards of the public's resources

5.3 Ensure effective and efficient delivery of county services and support

Summary:

Currently, Chapter 130 (Waterways), Article II (Public Lake Improvements) of the Code provides a process to fund lake improvements via special assessment. Chapter 130, Article II was adopted by the Board of County Commissioners (Board) in 1976, prior to State adoption of the Uniform Non-Ad Valorem Collection Act, which is codified at Florida Statutes §§ 197.3632, 197.3635 (Uniform Method). The Uniform Method authorizes special assessment inclusion on tax bills as “non-ad valorem” assessments and offers a convenient and effective method to collect such assessments. Under Chapter 110 of the Code (Special Assessments), street, drainage, and dredging improvement assessments are all authorized to be collected via the Uniform Method.

This action repeals Chapter 130, Article II of the Code and amends Chapter 110 of the Code allowing for lake improvements to be considered via the Uniform Method consistent with other assessments including street, drainage, and dredging improvements.

Other amendments to Chapter 110 are to achieve consistency with the Uniform Act permit assessments to be initially levied before or after construction begins. Currently, Chapter 110 provides that assessments must be initially levied before construction begins.

The following actions taken as a result of this Ordinance include:

Chapter 130 (Waterways), Article II (Public Lake Improvements) of the Code is repealed. Chapter 130 (Waterways), Article III (Boats and Water Safety) of the Code is renumbered Chapter 130 (Waterways), Article II (Boats and Water Safety) of the Code.

In addition to being amended with the changes discussed above, Chapter 110 (Special Assessments), Article II (Street Improvements, Storm Sewers, and Dredging) is renamed: Chapter 110 (Special Assessments), Article II. - (Street, Drainage, Dredging, and Lake Improvements).

Background Information:

The Board currently utilizes the Uniform Method to collect special assessments for surface water management pursuant to Chapter 58 (Environment), Article XVII (Surface Water Management) of the Code, as well as street, drainage, and dredging improvements pursuant to Chapter 110 of the Code (Special Assessments). The special assessment process under Chapter 110 provides for assessments to be initiated either by citizen petition or the Board (sans petition). All special assessments imposed under the Uniform Method (including Chapter 110) require two public hearings

prior to being levied.

Fiscal Impact:

N/A

Staff Member Responsible:

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

Partners:

N/A

Attachments:

Proposed Ordinance
Proposed Ordinance - Redline