

---

**CITY OF ST. PETE BEACH, FLORIDA**

---

**INITIAL ASSESSMENT RESOLUTION**

**RESOLUTION NO. 2010-07**

---

**ADOPTED JANUARY 26, 2010**

---

TABLE OF CONTENTS

PAGE

ARTICLE I  
INTRODUCTION

SECTION 1.01. AUTHORITY..... 1  
SECTION 1.02. DEFINITIONS..... 1  
SECTION 1.03. INTERPRETATION ..... 7  
SECTION 1.04. FINDINGS..... 8

ARTICLE II  
NOTICE AND PUBLIC HEARING

SECTION 2.01. ESTIMATED STORMWATER MANAGEMENT SERVICE COST ..... 13  
SECTION 2.02. STORMWATER ASSESSMENT ROLL..... 13  
SECTION 2.03. PUBLIC HEARING ..... 14  
SECTION 2.04. NOTICE BY PUBLICATION ..... 15  
SECTION 2.05. NOTICE BY MAIL..... 15

ARTICLE III  
ASSESSMENTS

SECTION 3.01. STORMWATER ASSESSMENTS TO BE IMPOSED THROUGHOUT CITY;  
FIXED COST APPORTIONMENT..... 16  
SECTION 3.02. ADDITIONAL APPORTIONMENT APPROACH; VARIABLE COSTS ..... 18  
SECTION 3.03. MITIGATION..... 20  
SECTION 3.04. IMPOSITION OF ASSESSMENTS ..... 21  
SECTION 3.05. APPLICATION OF ASSESSMENT PROCEEDS..... 21  
SECTION 3.06. COLLECTION OF ASSESSMENTS ..... 22  
SECTION 3.07. EXEMPTION ..... 22

ARTICLE IV  
GENERAL PROVISIONS

SECTION 4.01. CONFLICTS..... 23  
SECTION 4.02. SEVERABILITY..... 23  
SECTION 4.03. EFFECTIVE DATE..... 23

APPENDIX A FORM OF PUBLISHED NOTICE  
APPENDIX B FORM OF MAILED NOTICE

RESOLUTION NO. 2010-07

A RESOLUTION OF THE CITY COMMISSION OF ST. PETE BEACH, FLORIDA, RELATING TO THE DELIVERY AND FUNDING OF STORMWATER RELATED ESSENTIAL SERVICES AND CAPITAL EQUIPMENT WITHIN THE CITY; PROVIDING FOR STORMWATER ASSESSMENTS; ESTIMATING THE SERVICE COST TO PROVIDE STORMWATER RELATED ESSENTIAL SERVICES INCLUDING CAPITAL EQUIPMENT; ESTABLISHING THE METHOD OF ASSESSING THE STORMWATER RELATED SERVICE COST AGAINST REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED OR OTHERWISE CREATES A DEMAND OR BURDEN FOR SUCH ESSENTIAL SERVICES; DIRECTING THE CITY MANAGER TO PREPARE A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AS FOLLOWS:

ARTICLE I  
INTRODUCTION

SECTION 1.01. **AUTHORITY.** This Resolution of the City of St. Pete Beach, Florida is adopted pursuant to Ordinance No. 2009-30 of the City of St. Pete Beach, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 1.02. **DEFINITIONS.** This Resolution constitutes the Initial Assessment Resolution as defined in the Assessment Ordinance. All capitalized words and

terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

**“Apportionment Report”** means the January 2010 City of St. Pete Beach Stormwater Utility Development and Implementation Fixed Cost Allocation Report prepared by Real Estate Research Consultants, Inc. and Ennead, LLC.

**“Assessed Property”** means all parcels of real property included in the Stormwater Assessment Roll that receive a special benefit from or create a demand for Stormwater Management Service or Stormwater Improvements.

**“Assessment Ordinance”** means City Ordinance No. 2009-30, as may be amended from time to time, or its successor in function.

**“City Clerk”** means the clerk of the City.

**“City Manager”** means the chief administrative officer of the City, or such person's designee responsible for coordinating calculation and collection of Assessments as provided herein.

**“Developed Property”** means real property that is developed entirely or in part with Impervious Area.

**“Development”** means the process or result of construction, reconstruction, site improvement, installation of improvements, establishment of a temporary or accessory use or structure, or other modification to land or a body of water.

**“Equivalent Residential Unit”** or **“ERU”** means the Assessment Unit described in Section 3.02 hereof. The ERU is a standardized unit used to express the stormwater burden generated or benefit received by each Tax Parcel after taking into consideration any mitigation resulting from privately maintained Stormwater Mitigation Facilities and other factors affecting the quantity, quality, or rate of stormwater runoff.

**“Exempt Property”** means property expressly exempted from Stormwater Assessments by resolution.

**“Fiscal Year”** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

**“Government Property”** means property owned by the United States of America, the State of Florida, a sovereign state or nation, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

**“Impervious Area”** means hard surfaced areas resulting from Development which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to Development. Impervious Areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, tennis courts, swimming pools with impervious bottoms, storage areas, and other surfaces which

similarly affect the natural infiltration and runoff pattern which existed prior to Development.

**“Mitigation Credit”** means a credit against a Stormwater Service Assessment for qualified Developed Properties granted in accordance with Section 3.03 hereof.

**“Mitigation Facility”** means a manmade facility or structure legally servient to or located upon the site of a Developed Property which, by its design and function, retains stormwater and thus generates less volume of stormwater from the site or produces stormwater runoff at a lower rate or with less pollutants than would be the case in the absence of such facilities or structure.

**“NPDES”** means the National Pollution Discharge Elimination System.

**“Program Cost”** means that portion of the Stormwater Management Service Cost associated with planning and development activities related to Stormwater Management Service and Stormwater Improvements including, by way of example but not limited to, the cost of stormwater program development and administration, development of mapping and parcel array features, including but not limited to determining impervious area and pervious area, the assemblage, study, analysis and refinement of information necessary to allocate both fixed and variable costs and expenditures associated with stormwater related Essential Services and Capital Improvements, stormwater master planning, and NPDES permit related activities.

**“Quality Credit”** means a Mitigation Credit which may be awarded pursuant to Section 3.03 hereof for properly maintained and functioning Mitigation Facilities.

**“Quantity Credit”** means a Mitigation Credit which may be awarded pursuant to Section 3.03 hereof for maintained and functioning Mitigation Facilities.

**“Stormwater”** means the flow of water which results from, and which occurs following, a rainfall event.

**“Stormwater Improvement”** means land, capital facilities, and improvements acquired or provided to detain, retain, convey, or treat stormwater.

**“Stormwater Management Service”** means (A) the assemblage of information and data necessary to develop a stormwater program, including functional engineering, financial and legal analysis, (B) the analysis of fixed and or variable cost allocation associated with the initial program development, implementation, operations, or provision of stormwater related services, facilities or programs, (C) management and administration of the Stormwater System; (D) stormwater program engineering; (E) development, modification and implementation of any stormwater master plan; (F) Stormwater Improvements anticipated to be acquired or constructed during a single Fiscal Year; (G) operating and maintaining of the City's capital facilities and programs for stormwater management, including extraordinary maintenance; (H) the acquisition and maintenance of equipment and consumables used in the management and administration of the Stormwater System, (I) billing and collection of Stormwater Service Assessments, including

customer information services and reserves for statutory discounts; (J) permitting, inspecting, and reviewing of plans; and (K) legal, engineering, and other consultant services necessary to develop, present, defend, and implement any Assessment.

**“Stormwater Management Service Cost”** means the estimated amount for any Fiscal Year for fixed and/or variable expenditures, including but not limited to Program Costs, and reasonable reserves that are properly attributable to Stormwater Management Service provided under generally accepted accounting principles. In the event the City also imposes an impact fee upon new growth or development for stormwater related capital improvements, the Stormwater Management Service Cost shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee or which are otherwise funded by such impact fee.

**“Stormwater Service Assessment”** or **“Assessment”** means a special assessment (sometimes characterized as a non-ad valorem assessment) levied by the Commission to fund the Stormwater Management Service Cost.

**“Stormwater Service Assessment Roll”** means the roll created pursuant to Section 2.04 of the Assessment Ordinance and described in Section 2.02 hereof that includes a summary description of each Tax Parcel subject to the Stormwater Service Assessment, the name of the owner of each Tax Parcel as shown on the Tax Roll, and, if required, the number of Equivalent Residential Units attributable to each Tax Parcel.

**"Stormwater System"** means the services, appurtenances, facilities, and equipment, including Stormwater Management Service and Stormwater Improvements, necessary to establish and subsequently implement a program for the collection, treatment, storage, and conveyance of Stormwater.

**"Tax Parcel"** means a parcel of property to which the Pinellas County Property Appraiser has assigned a distinct ad valorem property tax identification number.

**"Tax Roll"** means the real property ad valorem tax roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**"Undeveloped Property"** means real property which contains no Impervious Area.

**"Uniform Assessment Collection Act"** means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

**SECTION 1.03. INTERPRETATION.** 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 gender, unless the sense indicates otherwise.

**SECTION 1.04. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) The Commission desires to create an equitable means to fund certain stormwater related Essential Services and Capital Improvements throughout the City.

(B) The Commission intends to initially develop a foundation for allocating fixed costs across all Tax Parcels reasonably anticipated to benefit from, or which create a burden as a result of, the provision of Stormwater Management Service or Stormwater Improvements, including the assemblage of data and information to subsequently and additionally allocate variable costs levied upon physical demand and characteristics to each Tax Parcel.

(C) Fixed costs can generally be described as those costs incurred in providing a service which do not vary from parcel to parcel based upon property classification, parcel-specific physical characteristics or actual demand. The Program Cost, for example, can be reasonably described as a fixed cost in this sense. Variable costs are those dependent upon or which more closely bear a direct relationship to property classification, parcel-specific physical characteristics or actual demand and therefore do vary from parcel to parcel.

(D) The City is authorized by Article VIII, Section 2 of the State Constitution, Section 166.021, Florida Statutes, the Assessment Ordinance, the Uniform Assessment Collection Act and other applicable provisions of law to provide for the imposition and collection of charges

in the form of special assessments (such impositions also being sometimes characterized as non-ad valorem assessments).

(E) The City is substantially developed, but is experiencing unprecedented attention and concern about redevelopment. The intensity and concern of citizens and landowners relating to the impacts of new demand resulting from development and redevelopment is placing extraordinary demand on all City services, and the need to create a mechanism to focus upon cost and programs related to stormwater management.

(F) Historically, stormwater management activities within the City have been limited to the construction and maintenance of, or merely the existence of, a modest stormwater infrastructure and road system built or allowed to convey runoff to natural water bodies. The City has not attempted to impose impact fees for stormwater capital improvements, but is acting to respond to citizen requests to segregate at least a portion of stormwater related costs in a manner that relieves pressure on the City's general fund.

(G) The primary source of funding for all stormwater management activities within the City has been derived from legally available revenues through the City's general fund and the resultant stormwater related expenditures by the Public Works Department.

(H) Additional funding needs, such as initial program development and implementation, the cost of regulatory compliance, including NPDES permit compliance, more focused maintenance, better identifying and evaluating stormwater management demands, and anticipated redevelopment and capital improvement projects will require

the City to authorize expenditures for stormwater master planning and engineering purposes, as well as a more refined stormwater apportionment or rate study to articulate a practical and implementable dedicated funding source capable of delivering a dependable revenue stream to pay for all, or part of, the City's stormwater management program.

(I) The Apportionment Report has been submitted to and considered by the City Commission.

(J) Substantially all of the Stormwater that is physically managed, controlled, and treated by the Stormwater System is generated by Developed Property; and, the amount of Stormwater generated by Undeveloped Property that is managed, controlled, and treated by the Stormwater System is inconsequential and not substantial.

(K) The Stormwater Management Service contemplated herein are Essential Services which possess a logical relationship to the use and enjoyment of, and relieve a burden created by and provide a special benefit to, Developed Property by creating the premise or basis for a fair, efficient and cost effective stormwater program capable of treating and controlling Stormwater generated or contaminated by improvements constructed on Developed Property which resulted in the alteration of such property from its natural state.

(L) The relief of the burden created, or special benefit received by, Developed Property is the collection, storage, control, management, treatment, and conveyance of Stormwater generated by the improvements on Developed Property. It is fair and

reasonable to impose Stormwater Service Assessments upon Developed Property to fund the Stormwater Management Service Cost.

(M) Both Developed and Undeveloped Properties are benefited by compliance with nationally encouraged and in some cases mandated stormwater management planning and the development of an integrated and scalable Stormwater System enhances the quality of development and redevelopment potential for property and responsibly advances the preservation and protection of natural resources.

(N) The City is an urban area essentially located on a barrier island. Although Undeveloped Property may itself provide a benefit to the Stormwater System by receiving Stormwater, the urban characteristics of the City require that the Commission must nonetheless plan Stormwater Improvements and plan and provide Stormwater Management Service to serve all property capable of Development and the cost thereof should be born by all properties benefited by the availability of such planning and related services.

(O) Accordingly, it is fair and reasonable that all Assessed Property pay an equal share of the Program Cost, and that all Tax Parcels characterized as Undeveloped Property be subject to a minimum Assessment to fund only that portion of the Stormwater Management Service Cost described as the Program Cost.

(P) The classification system proposed by the Apportionment Report and based upon standardized Florida Department of Revenue "DOR Codes" employed by the public

data base maintained by law by the Property Appraiser and Tax Collector, is reasonable and equitable, and will continue to be so as properties within the City develop and change.

The use of such classification system and description of Tax Parcels is also manageable and capable of being fairly implemented from year to year without wasteful or extraordinary consumption of resources which could better be expended to address stormwater related issues.

(Q) The apportionment methods described in the Apportionment Report are fair and reasonable and bear a logical relationship to the cost, benefits and burdens of providing Stormwater Management Service and Stormwater Improvement.

(R) It is the intent of the Commission in adopting this Initial Assessment Resolution to provide an initial funding source for the Program Costs associated with Stormwater Management Services and identify a fair and reasonable method to apportion funding variable costs which may be addressed by subsequent Annual Assessment Resolution or other supplemental resolution in the future.

**[Remainder of page intentionally left blank.]**

**ARTICLE II**  
**NOTICE AND PUBLIC HEARING**

**SECTION 2.01. ESTIMATED STORMWATER MANAGEMENT SERVICE COST.**

(A) The estimated Stormwater Management Service Cost, including reimbursements to the City for certain funds anticipated to be advanced to initiate this Stormwater funding program, to be recovered through Stormwater Service Assessments for the Fiscal Year commencing October 1, 2010 is \$280,476. Such Stormwater Management Service Cost is focused upon funding and recovering the fixed Program Cost and will be funded through the imposition of Stormwater Service Assessments, as provided herein, at a rate of \$36 per Tax Parcel.

(B) The estimated Stormwater Service Assessments established in this Initial Assessment Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the preliminary Stormwater Service Assessment Roll for the Fiscal Year commencing October 1, 2010, as provided in Section 2.02 of this Initial Assessment Resolution.

**SECTION 2.02. STORMWATER ASSESSMENT ROLL.** The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary Stormwater Service Assessment Roll for the Fiscal Year commencing October 1, 2010, in the manner provided in Section 2.04 of the Assessment Ordinance. The Stormwater Service Assessment Roll

shall include all Tax Parcels within the City which are not otherwise exempted from payment of the Stormwater Service Assessments hereunder. The City Manager shall apportion the estimated Stormwater Management Service Cost to be recovered through Stormwater Service Assessments in the manner set forth in this Initial Assessment Resolution, and in particular Section 3.04 hereof. A copy of this Initial Assessment Resolution, the Apportionment Report which summarizes information and analysis related to the estimated amount of the Stormwater Assessed Cost to be recovered through the imposition of Stormwater Service Assessments and the preliminary Stormwater Service Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the preliminary Stormwater Service Assessment Roll be in printed form if the amount of the Stormwater Service Assessment for each parcel of property can be determined by the use of a computer terminal or internet access available to the public.

**SECTION 2.03. PUBLIC HEARING.** There is hereby established a public hearing to be held at 6:30 p.m. on February 23, 2010 at City Hall, City Commission Chambers, 155 Cory Avenue, St. Pete Beach, Florida, at which time the Commission will receive and consider any comments on the Stormwater Service Assessments from the public and affected property owners and consider imposing Stormwater Service Assessments and authorizing an alternative manner of collection.

**SECTION 2.04. NOTICE BY PUBLICATION.** The City Manager shall direct the publication of a notice of the public hearing authorized by Section 2.03 hereof in the manner and time provided in Section 2.05 of the Ordinance. The notice shall be published no later than February 2, 2010, in substantially the form attached hereto as Appendix A.

**SECTION 2.05. NOTICE BY MAIL.** The City Manager shall direct the publication of a notice of the public hearing authorized by Section 2.03 hereof in the manner and time provided in Section 2.06 of the Ordinance. The notice shall be mailed no later than February 2, 2010, in substantially the form attached hereto as Appendix B.

**[Remainder of page intentionally left blank.]**

**ARTICLE III  
ASSESSMENTS**

**SECTION 3.01. STORMWATER ASSESSMENTS TO BE IMPOSED  
THROUGHOUT CITY; FIXED COST APPORTIONMENT.**

(A) The development and use of stormwater management programs and systems inherently benefit and relieve burdens caused by real property. It is logical and reasonable that Stormwater Service Assessments will provide benefits and relieve burdens associated with all Tax Parcels located within the City.

(B) The City Commission recognizes that the procedures and traditional stormwater funding mechanisms currently in place are not adequate to serve and address the long term requirements and demands of properties and Tax Parcels within the City. The Stormwater Service Assessments to be imposed will initially cover only fixed costs associated with the planning and development of the City's stormwater management program. The Stormwater Service Assessments to be imposed will underwrite, in part, costs and expenses experienced by the City in developing and initiating a focused planning effort which requires the collection of parcel data, the development of a dedicated funding source as encouraged by State and federal regulators, securing certain capital equipment necessary for such program development and analysis of the array of relationships among all of the property and Tax Parcels within the City relative to stormwater runoff characteristics, improvements located thereon (including pervious and impervious

analyses), or other measures correlated to stormwater requirements, and the calculation of standardized equivalent residential or stormwater units to evaluate both fixed and variable costs in the future. The initial budget involved focuses upon fixed costs in early planning efforts which include the fees of professional consultants, counsel, equipment and research supporting this work, and other fixed costs such as wages, salaries, administration, and overhead of City staff assigned to support the effort.

(C) The initial Stormwater Service Assessments will benefit substantially all real property and Tax Parcels within the City by addressing overall demands created by Stormwater in crafting a comprehensive strategy considering and analyzing all property with an eye toward managing, mitigating, or correcting these demands over time.

(D) The use of the publicly maintained database of all Tax Parcels employed by the Property Appraiser and Tax Collector is an accurate, fair and efficient means to allocate or distribute fixed costs associated with Stormwater Service Assessments. It is fair, reasonable, effective, and efficient for all Tax Parcels, including statutorily defined parcels such as individual condominium or cooperative units, to share equally in the fixed costs represented by the Stormwater Service Assessments to be imposed hereby, as such costs are not dependent upon or determined by physical characteristics or stormwater demand. However, as the City's stormwater program matures and variable costs occur and are assessed, it is fair and reasonable that variable costs be shared and distributed using apportionment methods which are weighted more heavily toward physical characteristics

and demand. Accordingly, in the future, as variable costs are encompassed by Stormwater Service Assessments, statutorily defined parcels will share in a significantly smaller portion of the costs as additional allocation approaches (e.g. impervious surface or other physical determinations) are developed and employed.

(E) The benefits or relief of burdens resulting or extending from an allocation of fixed Program Costs within the City's anticipated budget are reasonably conferred upon each Tax Parcel equally.

**SECTION 3.02. ADDITIONAL APPORTIONMENT APPROACH; VARIABLE COSTS.**

(A) The additional impervious-based rate structure generally described in the Apportionment Report is fair and reasonable and is hereby approved and adopted as an additional or supplemental apportionment approach for Stormwater Service Assessments which may be subsequently imposed to recover the variable costs associated with the Stormwater System.

(B) The typical single family Impervious Area suggested in the Apportionment Report shall be determined using a subsequent inventory of Developed Property.

(C) The determination of whether a Tax Parcel is Developed Property or Undeveloped Property shall be made using best available data (e.g. Property Appraiser information, aerial images, all other data assembled and deemed reliable by the City or its

consultants) prior to adoption of any future Annual Assessment Resolution imposing Assessments for variable costs.

(D) The Stormwater Service Assessment for each Tax Parcel of Developed Property shall be calculated by multiplying the number of factored ERU's by a specific dollar amount necessary to defray all or a portion of the variable costs associated with an Assessment.

(E) The number of factored ERU's shall be calculated as follows:

$$\frac{\text{property total Impervious Area (in sq. ft.)}}{1 \text{ ERU (in sq. ft.)}} \times \frac{\text{property impervious coverage (\%)}}{\text{typical single-family impervious coverage (\%)}} = \text{factored ERU's}$$

(F) The calculations authorized by this Section are to be made using reasoned assumptions based upon data determining:

- (1) Typical single-family lot size in square feet.
- (2) Typical single-family Impervious Area in square feet (1 ERU).
- (3) Typical single-family impervious coverage equals typical single-family Impervious Area (in square feet) divided by typical single-family lot size (in square feet).
- (4) Property impervious coverage shall be determined:
  - (a) for single family residential properties using a typical single family ratio;
  - (b) for residential condominiums using a fraction of a typical single family ratio; and
  - (c) for all other properties not having a substantial or typical

similarity, the property impervious coverage may be parcel specific and equal to property Impervious Area divided by property lot size.

(G) It is hereby ascertained, determined, and declared that the method of determining the Stormwater Service Assessments associated with variable costs as set forth in this Initial Assessment Resolution is a fair and reasonable method of apportioning certain variable Stormwater Management Service Costs among parcels of Assessed Property located within the City.

(H) The City Manager is hereby directed and authorized to commence the development and refinement of such additional approach to share the variable costs of benefits and burdens of Stormwater Management Service and Stormwater Improvement among all properties and Tax Parcels within the City based upon physical characteristics and demand.

**SECTION 3.03. MITIGATION.**

(A) The Commission may establish a Mitigation Credit for the Stormwater Service Assessments imposed to recover variable costs. Owners of Developed Property with properly maintained and functioning Mitigation Facilities may be eligible to receive a Mitigation Credit against Stormwater Service Assessments as provided herein.

(B) Mitigation Facilities may qualify for Quality Credit, Quantity Credit, or both. In no event shall a Mitigation Credit apply to the Program Cost portion of the Stormwater Management Service Cost.

(C) The City Manager is directed and authorized to develop procedures which shall apply to all Mitigation Credit requests as a part of any Assessments imposed to recover variable costs pursuant to Section 3.02 hereof or any modification thereto.

(D) Tax Parcels subject to the condominium or other similar statutorily defined form of ownership may be permitted to submit a group application for Mitigation Credit, the form of which shall also be developed and provided by the City Manager.

(E) Notwithstanding anything to the contrary herein, no Mitigation Credit shall apply to that portion of the Stormwater Management Service Cost defined herein as Program Cost.

**SECTION 3.04. IMPOSITION OF ASSESSMENTS.**

(A) Stormwater Service Assessments shall be imposed against property located within the City, the annual amount of which shall be computed for each Tax Parcel in accordance with this Article III. When imposed, the Assessment for each Fiscal Year shall constitute a lien upon the Tax Parcels located within the City pursuant to the Assessment Ordinance.

(B) For the Stormwater Service Assessment Roll for the Fiscal Year commencing October 1, 2010, the Stormwater Service Assessments shall be imposed to recover only fixed Program Costs at a rate of \$36 per Tax Parcel.

**SECTION 3.05. APPLICATION OF ASSESSMENT PROCEEDS.** Proceeds derived by the City from the Stormwater Service Assessments shall be utilized for the

provision of Stormwater related services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward on a prorate basis among the fixed and variable cost apportionment approaches described in Sections 3.01 and 3.02 and used only to fund stormwater related services, facilities, and programs.

**SECTION 3.06. COLLECTION OF ASSESSMENTS.** Collection of the Stormwater Service Assessments shall take place initially pursuant to the Uniform Assessment Collection Act.

**SECTION 3.07. EXEMPTION.**

(A) The following are Exempt Properties and not subject to the Stormwater Service Assessment:

- (1) Public rights-of-way,
- (2) Lakes, submerged land, and other naturally occurring water bodies with pervious soil bottoms, and
- (3) Government Property.

(B) Provided, however, the Commission reserves the right and ability in the future to impose Stormwater Service Assessments against Government Property to the extent permitted by law and pursuant to the Assessment Ordinance.

ARTICLE IV

GENERAL PROVISIONS

SECTION 4.01. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4.02. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

SECTION 4.03. EFFECTIVE DATE. This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED 20<sup>th</sup> day of January 2010.

CITY COMMISSION OF ST. PETE  
BEACH, FLORIDA

By: Mike Finnerty  
Michael Finnerty, Mayor

(SEAL)

Attest:

By: Theresa McMaster  
Theresa B. McMaster, City Clerk

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To be published on or before [February 2,] 2010.

[Map of St. Pete Beach]

NOTICE OF HEARING

TO IMPOSE AND PROVIDE FOR COLLECTION OF NON-AD VALOREM SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of St. Pete Beach, Florida, will conduct a public hearing to consider adoption of a final assessment resolution related to the City of St. Pete Beach (the "City") and its stormwater system. The stormwater final assessment resolution will provide for the imposition of special assessments, sometimes characterized as non-ad valorem assessments, against property located within City limits and collection of the assessments by the uniform collection method described in Section 3.01 of City Ordinance No. 2009-30. The hearing will be held at 6:30 PM on [February 23,] 2010 at City Commission Chambers of City Hall, City Hall, 155 Corey Avenue, St. Pete Beach, Florida. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within twenty (20) days of this notice.

The assessments have been proposed to fund stormwater related essential services throughout the City. The assessment for each tax parcel within the City will be based upon sharing certain fixed costs necessary to establish and develop a fundamental service cost to provide stormwater related essential services, including capital equipment to each tax parcel as of the date the assessments are imposed. A more specific description of the stormwater related essential services and the method of computing the assessment for each tax parcel of property are set forth in the Initial Assessment Resolution adopted by the City Commission on [January 26, 2010]. Copies of the Initial Assessment Resolution and the preliminary Stormwater Service Assessment Roll are available for inspection at the office of the City Clerk, located at City Hall, 155 Corey Avenue, St. Pete Beach, Florida or on the internet at <http://quicksearch.ennead-data.com/spbswu>.

The City is also considering the approval of a future approach to share variable costs based upon the impervious area of each tax parcel and intends to budget and direct the development of a working data base calculating or identifying impervious areas, a mitigation credit regime, and means to consider reduction in future stormwater assessments to property owners with certain private stormwater mitigation facilities.

The initial Assessments will be for program development, necessary studies and capital equipment representing only fixed program costs and will be shared equally by all non-exempt tax parcels at an annual rate of not to exceed \$36 per tax parcel.

If you have any questions, please contact the City Clerk's Office at (727) 363-9220.

ANY PERSON WISHING TO ENSURE THAT AN ADEQUATE RECORD OF THE PROCEEDINGS IS MAINTAINED FOR APPELLATE PURPOSES IS ADVISED TO MAKE THE NECESSARY ARRANGEMENTS FOR RECORDING AT HIS OR HER OWN EXPENSE.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEEITNG AT (727) 363-9220.

APPENDIX B

FORM OF NOTICE TO BE MAILED

ST. PETE BEACH, FLORIDA

NOTICE OF HEARING TO IMPOSE AND TO PROVIDE FOR COLLECTION OF  
STORMWATER RELATED NON-AD VALOREM SPECIAL ASSESSMENTS  
IN ST. PETE BEACH

[February 2, 2010]

[Property Owner Name]  
[Street Address]  
[City, State and Zip]

Re: Tax Parcel Number [Insert Number]

Dear Property Owner:

The City of St. Pete Beach (the "City") is in the process of establishing a dedicated funding source for the City's stormwater system. Provision of stormwater related services, facilities, and improvements will be funded in part by special assessments against property located within the City limits. The special assessments for each parcel of property are based on the benefits or burdens attributable to each parcel. Initially, the special assessment will only address fixed costs associated with assembling data and developing a means to share program costs equally among all tax parcels. Those program costs will then underwrite the costs associated with the future method to share allocation of variable operational and capital costs of stormwater services on an impervious area basis. A more specific description of the assessment program is set forth in the Stormwater Initial Assessment Resolution adopted by the City Commission on [January 26,] 2010.

Copies of the Initial Assessment Resolution and the preliminary stormwater assessment roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 155 Corey Avenue, St. Pete Beach, Florida or on the internet at <http://quicksearch.ennead-data.com/spbswu>. Information regarding the assessment for your specific property is included below.

The annual assessment will include your share of the collection costs of the assessments.

The City expects to collect approximately [ \$\_\_\_\_\_ ] in the first year for the fixed program cost associated purposes described in this notice. The assessment is an annual assessment which will continue from year to year. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Your Property is considered [ \_\_\_\_\_ ] tax parcel(s).

Total Amount of Fiscal Year 2010/2011 Stormwater

Assessment for Your Property is: \$ \_\_\_\_\_

Payment is anticipated to be due and collected on the same bill as taxes to be mailed around November 1, 2010. This is not a bill.

Until paid, the stormwater assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent in the same manner for unpaid taxes.

The City is also considering the approval of a future approach to share variable costs based upon the impervious area of each tax parcel and intends to budget and direct the development of a working data base calculating or identifying impervious areas, a mitigation credit regime, and a means to consider reduction in future stormwater assessments to property owners with certain private stormwater mitigation facilities.

The initial Assessments will be for program development, necessary studies and capital equipment representing only fixed program costs and will be shared equally by all non-exempt tax parcels at an annual rate of not to exceed \$36 per tax parcel.

The City Commission will hold a public hearing at 6:30 PM on February 23, 2010, in the City Commission Chambers at City Hall, 155 Corey Avenue, St. Pete Beach, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Commission prior to or during the hearing. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

If you have any questions, please contact the City Clerk's office at (727) 363-9220.

THIS IS NOT A BILL. DO NOT SEND PAYMENT.

ST. PETE BEACH, FLORIDA

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (727) 363-9220.