

RESOLUTION NO. 2011-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING THE FISCAL YEAR 2011-12 NON-AD VALOREM ASSESSMENT ROLL FOR STORMWATER SERVICE ASSESSMENTS ASSOCIATED WITH FIXED PROGRAM COSTS LEVIED THROUGHOUT THE CITY; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE PINELLAS COUNTY TAX COLLECTOR; DIRECTING FINALIZATION AND PRESENTATION OF THE SUPPLEMENTAL FUNDING PLAN FOR ADDRESSING AND RECOVERING VARIABLE COSTS ASSOCIATED WITH THE STORMWATER SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. This resolution of the City of St. Pete Beach, Florida (the "City") is adopted pursuant to City Ordinance No. 2009-30 (as amended from time to time, the "Assessment Ordinance"), City Resolution No. 2010-07 (the "Initial Assessment Resolution") and 2010-08 (the "Final Assessment Resolution", and together with the Initial Assessment Resolution, the "Assessment Resolutions"), Chapter 197, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Annual Assessment Resolution for Stormwater Service Assessments. All capitalized terms in this Resolution shall have the meaning set forth in the Assessment Ordinance and the Assessment Resolutions.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The Commission adopted the Assessment Resolutions to provide for the delivery of Stormwater Management Services, the funding of such services through

Assessments imposed upon the real property specially benefited thereby, approval of the non-ad valorem assessment roll pertaining to Stormwater Service Assessments and certification of such roll to the Tax Collector for collection pursuant to the Uniform Assessment Collection Act.

(B) Pursuant to Section 2.08 of the Assessment Ordinance, the Commission is required to adopt an Annual Assessment Resolution for each Fiscal Year in which Assessments will be imposed and to approve the Assessment Roll for each Fiscal Year.

(C) The Commission wishes to hereby confirm and approve the non-ad valorem assessment roll for fixed Program Costs associated with Stormwater Service Assessments in the amount presented by City staff, which does not exceed the Stormwater Services Assessments for the prior Fiscal Year and in the manner previously approved by the Assessment Resolutions, and to direct certification of same to the Tax Collector for collection of the Assessments on the November 2011 property tax bill.

(D) Such Program Costs are fairly described as fixed costs which can be fairly and reasonably apportioned among all Tax Parcels.

(E) The Assessments contemplated hereunder are imposed by the Commission, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

(F) The legislative determinations set forth in Section 1.04 of the Initial Assessment Resolution, and the exemptions by class provided for in Section 3 of the Final Assessment Resolution continue to be applicable to fixed Program Costs associated with Stormwater Service Assessments in the amount presented by City staff, are hereby applied, readopted, ratified and confirmed.

SECTION 4. APPROVAL AND CERTIFICATION OF ASSESSMENT ROLL.

(A) The Fiscal Year 2011-12 non-ad valorem assessment roll for Stormwater Management Services, a copy of which is on file with the City Clerk and incorporated herein by reference, is hereby confirmed and approved at a rate of \$36 per Tax Parcel.

(B) The City Manager is hereby authorized and directed to certify the foregoing non-ad valorem assessment roll to the Tax Collector prior to September 15, 2011. The assessment roll as delivered to the Tax Collector shall be accompanied by a Certificate of Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix A.

(C) Stormwater Service Assessments shall constitute a lien upon Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other 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.

SECTION 5. SUPPLEMENTAL FUNDING PLAN. The City Manager, or his designee, is directed and authorized to collaborate with the City Attorney and finalize and present to the Commission the supplemental funding plan contemplated by Section 3.02 of the Initial Assessment Resolution and necessary implementation documentation for addressing and recovering variable costs associated with the Stormwater System on or before September 30, 2011. Such plan should (1) use recent data gathered by City staff and consultants, (2) demonstrate a practical and legally sufficient approach and means to also share variable Stormwater Service Management Costs in a manner more heavily weighted toward physical characteristics and demand, and (3) provide for a Mitigation Credit for Stormwater Service Assessments imposed to recover variable costs. The City Manager is directed and authorized to pay all outstanding invoices using funds from the current stormwater program budget necessary to timely prepare and deliver such supplemental funding plan.

SECTION 6. SEVERABILITY. If any clause, section, or other part of this resolution shall be held by any court of competent jurisdiction unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affects the validity of the other provisions in this resolution.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

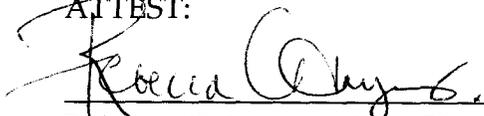
DULY ADOPTED this 28th day of June 2011.

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

(SEAL)

By: 
Steve McFarlin, Mayor

ATTEST:


Rebecca C. Haynes, City Clerk

**APPENDIX A
FORM OF CERTIFICATE
OF NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that I am the City Manager and authorized agent of St. Pete Beach, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for Stormwater Management Services (the "Non-Ad Valorem Assessment Roll") is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to 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 Pinellas County Tax Collector by September 15, 2011.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Pinellas County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 28th day of June 2011.

ST. PETE BEACH, FLORIDA

By: Michael P. Buford
City Manager