

RESOLUTION NO. 2012-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING THE FISCAL YEAR 2012-13 NON-AD VALOREM ASSESSMENT ROLLS FOR STORMWATER MANAGEMENT SERVICES; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLLS TO THE PINELLAS COUNTY TAX COLLECTOR; 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 (the "Assessment Ordinance"), City Resolution Nos. 2010-07 and 2010-08 (collectively, the "Initial Assessment Resolution"), City Resolution Nos. 2011-18 and 2011-19 (collectively, the "Supplemental Annual Assessment Resolution"), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Annual Assessment Resolution for Stormwater Service Assessments. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance, the Initial Assessment Resolution and the Supplemental Annual Assessment Resolution.

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

(A) Pursuant to the Assessment Ordinance, the City adopted the Initial Assessment Resolution imposing special assessments to provide for the funding of fixed Program Costs associated with Stormwater Management Services, and providing for annual collection thereof by the tax bill collection method in accordance with the Uniform Assessment Collection Act.

(B) Pursuant to the Assessment Ordinance, the City adopted the Supplemental Annual Assessment Resolution imposing special assessments to provide for the funding of variable costs associated with Stormwater Management Services, and providing for annual collection thereof initially by the direct billing method set forth in Section 3.02 of the Assessment Ordinance, and by the tax bill collection method commencing in November, 2012.

(C) The Supplemental Annual Assessment Resolution set forth the Commission's direction and intent that starting in November, 2012, and continuing each year thereafter, Stormwater Service Assessments imposed to fund both fixed costs and variable costs will be collected on the annual property tax bill in accordance with the Uniform Assessment Collection Act, and further provided that any delinquencies in payment of the Assessments imposed thereunder for Fiscal Year 2011-12 may be included in the amount of the Stormwater Service Assessment imposed for Fiscal Year 2012-13.

(D) The Assessment Ordinance provides for the adoption of an Annual Assessment Resolution for each Fiscal Year approving, confirming or amending the Stormwater Service Assessment Rolls.

(E) By adoption of City Resolution No. 2012-09, the Commission scheduled a public hearing for September 12, 2012, to consider adoption of the Stormwater Service Assessment Rolls for Fiscal Year 2012-13.

(F) Notice of such public hearing was published as required by Section 2.05 of the Assessment Ordinance and proof of publication is attached hereto as Appendix A.

(G) As authorized by section 197.3632(6), Florida Statutes, mailed notice of such public hearing was given pursuant to the TRIM notice mailed by the Property Appraiser in accordance with section 200.069, Florida Statutes.

(H) The Stormwater Services Assessment Rolls have heretofore been made available for inspection by the public.

(I) A public hearing was held on September 12, 2012, and comments and objections of all interested persons have been heard and considered.

(J) 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.

(K) The legislative determinations and findings set forth in the Initial Assessment Resolution and the Supplemental Annual Assessment Resolution are hereby ratified, confirmed and incorporated herein by reference.

SECTION 4. APPROVAL AND CERTIFICATION OF ASSESSMENT ROLLS.

(A) The Fiscal Year 2012-13 Stormwater Service Assessment Roll for fixed Program Costs associated with 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 \$38.27 per Tax Parcel which includes a pro rata share of collection and administration costs and amounts necessary to account for the maximum discount for early payment of non-ad valorem assessments on the same bill as ad valorem taxes.

(B) The Fiscal Year 2012-13 Stormwater Service Assessment Roll for variable costs associated with 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 \$47.09 per ERU which includes a pro rata share of collection and administration costs and amounts necessary to account for the maximum discount for early payment of non-ad valorem assessments on the same bill as ad valorem taxes. Such Stormwater Service Assessment Roll for variable costs also includes delinquencies, if any, in payment of the Assessments imposed by the Supplemental Annual Assessment Resolution for Fiscal Year 2011-12 which likewise include a pro rata share of collection

and administration costs and amounts necessary to account for the maximum discount for early payment of non-ad valorem assessments on the same bill as ad valorem taxes.

(C) The City Manager is hereby authorized and directed to certify the foregoing Stormwater Service Assessment Rolls to the Tax Collector prior to September 15, 2012. The assessment rolls 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.

(D) 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. RATIFICATION AND CONFIRMATION OF PRIOR RESOLUTIONS. The Initial Assessment Resolution and Supplemental Annual Assessment Resolution are hereby ratified and confirmed.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit or burdens relieved and the fairness and reasonableness of the apportionment methodology for allocating fixed and variable costs among Assessed Property, the method of apportionment and assessment, the rates of assessment, the Stormwater Service Assessment Rolls and the levy and lien of the Stormwater Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days of the effective date of this Resolution.

SECTION 7. 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.

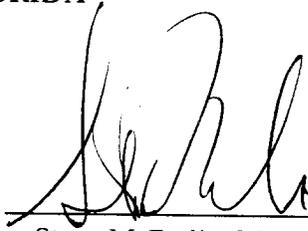
SECTION 8. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 12th day of September, 2012.

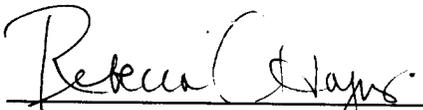
**CITY COMMISSION OF ST. PETE BEACH,
FLORIDA**

(SEAL)

By: _____


Steve McFarlin, Mayor

ATTEST:



Rebecca C. Haynes, City Clerk

APPENDIX A
PROOF OF PUBLICATION

1003796205

Tampa Bay Times
Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA }
COUNTY OF Pinellas } s.s.

Before the undersigned authority personally appeared **B. Harr** who on oath says that he/she is Legal Clerk of the *Tampa Bay Times* a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: HEARING RE: STORMWATER SPECIAL ASSESSMENTS** was published in said newspaper in the issues of *Neighborhood Times Beaches*, 8/12/2012.

Affiant further says the said *Tampa Bay Times* is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

B. Harr

Signature of Affiant

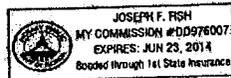
Sworn to and subscribed before me
this 14th day of August A.D.2012

Joseph F. Rish

Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



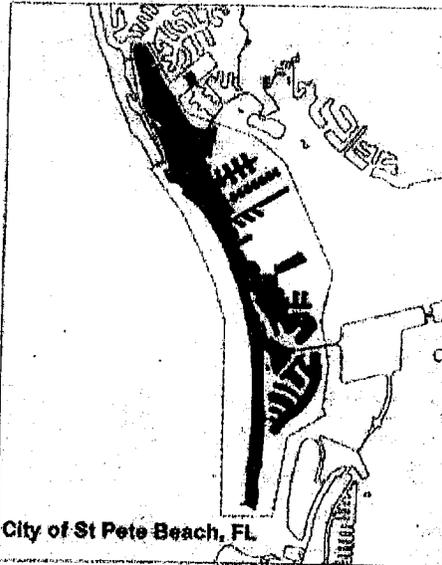
**NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF STORMWATER RELATED
NON-AD VALOREM SPECIAL ASSESSMENTS
IN THE CITY OF ST. PETE BEACH**

The City Commission (the "Commission") of the City of St. Pete Beach (the "City") is considering adoption of an Annual Assessment Resolution for Fiscal Year 2012-13 pertaining to the annual imposition of special assessments, sometimes referred to as non-ad valorem assessments, against tax parcels within City limits to fund costs associated with the City's stormwater system. The special assessment for each parcel of property will consist of two tiers: (1) a per parcel amount imposed to fund the fixed costs associated with the City's stormwater management system, and (2) an amount based upon the amount of impervious area attributable to each parcel as measured by "Equivalent Residential Units" (ERUs) imposed to fund the variable costs associated with the City's stormwater management system. A more specific description of the stormwater assessments and the method of computing the assessment for each tax parcel, together with a mitigation credit procedure providing for limited reduction in the amount of the assessment for property owners with certain private stormwater mitigation facilities, are set forth in City Ordinance No. 2009-30 (the "Assessment Ordinance"), City Resolution Nos. 2010-07 and 2010-08 (collectively, the "Initial Assessment Resolution"), City Resolution Nos. 2011-18 and 2011-19 (collectively, the "Supplemental Annual Assessment Resolution") and City Resolution Nos. 2012-06 and 2012-09.

The Commission will hold a public hearing at 6:00 PM on September 12, 2012, in the City Commission Chambers at City Hall, 155 Corey Avenue, St. Pete Beach, Florida, for purposes of receiving public comment on the proposed assessment and considering a resolution approving a stormwater non-ad valorem assessment roll. If imposed, the stormwater assessments for Fiscal Year 2012-13 and each fiscal year thereafter will be collected on the annual property tax bill issued each November by the Pinellas County Tax Collector in which case failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

All affected property owners are invited to attend and participate in the September 12, 2012 public hearing and may also file written objections with the Commission prior to or during the hearing. Anyone wishing to appeal any decision made by the Commission with respect to any matter considered at the hearing 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.

The City expects to collect approximately \$695,000 for Fiscal Year 2012-13 through the special assessment described in this notice. The assessment will be imposed at the rate of \$38.27 per parcel for tier 1 plus \$47.09 per ERU for tier 2. Such amounts include a pro-rata share of administration and collection costs associated with the stormwater assessments (including fees imposed by the property appraiser and tax collector) and have been increased to account for the maximum discount for early payment of non-ad valorem assessments on the same bill as ad valorem taxes. As contemplated by the Supplemental Annual Assessment Resolution, any



delinquencies in payment of the assessments imposed thereunder for Fiscal Year 2011-12 shall be included (together with administration and collection costs and amounts necessary to account for the maximum early payment discount) in the amount of the assessment imposed for Fiscal Year 2012-13, in accordance with Section 3.02 of the Assessment. The assessment is an annual assessment which will continue from year to year. 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.

Copies of the Assessment Ordinance, the Initial Assessment Resolution, the Supplemental Annual Assessment Resolution, Resolution Nos. 2012-06 and 2012-09 and the preliminary stormwater non-ad valorem assessment roll are available for inspection at the offices of the City Clerk, located at City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

Questions concerning the proposed assessment should be directed to the City's Public Services Department at (727) 363-9243.

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.

CITY OF ST. PETE BEACH, FLORIDA

8/12/2012

790265-01

APPENDIX B
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 the [fixed/variable] costs associated with 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, 2012.

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 12th day of September 2012.

ST. PETE BEACH, FLORIDA

By: Michael R. Bonfield
City Manager