

RESOLUTION NO. 2013-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING THE FISCAL YEAR 2013-14 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 Commission 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 Commission 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.

(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) The Commission conducted a public hearing on September 3, 2013, to consider adoption of the Stormwater Service Assessment Rolls for Fiscal Year 2013-14, and comments and objections of all interested persons have been heard and considered.

(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) 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.

(J) 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 2013-14 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 2013-14 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.

(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, 2013. 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 B.

(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.

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

DULY ADOPTED this 3rd day of September, 2013.

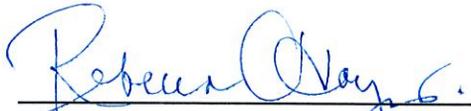
**CITY COMMISSION OF ST. PETE BEACH,
FLORIDA**

(SEAL)

By: 

Steve McFarlin, Mayor

ATTEST:



Rebecca C. Haynes, City Clerk

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: NOTICE OF HEARING - STORWATER SPECIAL ASSESSMENTS was published in said newspaper in the issues of Neighborhood Times Beaches , 8/14/2013 .

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

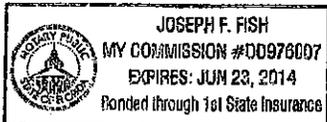
Sworn to and subscribed before me
this 14th day of August A.D.2013

Joseph F. Fish

Signature of Notary Public

Personally known or produced indentification

Type of indentification produced _____



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



The City Commission (the "Commission") of the City of St. Pete Beach (the "City") is considering adoption of an Annual Assessment Resolution pertaining to the annual imposition of special assessments, sometimes referred to as non-ad valorem assessments, against the parcels within City limits to fund costs associated with the City's stormwater system. The Commission will hold a public hearing at 6:00 PM on September 3, 2013, at the City Commission Chambers at City Hall, 155 Corey Avenue, St. Pete Beach, Florida, 33706 for purposes of receiving public comment on the stormwater assessment and considering the Annual Assessment Resolution approving the stormwater non-ad valorem assessment roll for Fiscal Year 2013-14. The stormwater assessment is an annual assessment which will be imposed and collected each year. The stormwater assessments for Fiscal Year 2013-14 and each fiscal year thereafter will be collected on the annual property tax bill issued each November by the Pinellas County Tax Collector such that 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 3, 2013 public hearing and may also file written objections with the Commission prior to or during the hearing. Anyone wanting 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. Copies of the assessment roll, 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") all pertaining to the stormwater assessment are available for inspection at the offices of the City Clerk, located at City Hall, 155 Corey Avenue, St. Pete Beach, Florida, 33706. Questions concerning the stormwater 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.

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 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, 2013.

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 3rd day of September 2013.

ST. PETE BEACH, FLORIDA

By: Michael P. Borjesson
City Manager