

RESOLUTION 2018-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA ESTABLISHING THE RATE OF STORMWATER SERVICE ASSESSMENTS; APPROVING STORMWATER SERVICE NON-AD VALOREM ASSESSMENT ROLLS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, THAT:

SECTION 1. Authority. This Annual Assessment Resolution of the City of St. Pete Beach, Florida (the "City") is adopted pursuant to Chapter 166, Florida Statutes, City Ordinance No. 2009-30 (the "Assessment Ordinance"), City Resolutions Nos. 2010-07, 2010-08, 2011-18 and 2011-19, as amended and supplemented (collectively, the "Stormwater Resolutions"), and other applicable provisions of law.

SECTION 2. Definitions. All capitalized terms used in this Annual Assessment Resolution shall have the meanings defined in the Assessment Ordinance and Stormwater Resolutions.

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

(A) Pursuant to the Assessment Ordinance, the City adopted the Stormwater Resolutions imposing Stormwater Service Assessments against real property burdening the City's Stormwater System, and thus specially benefited by, the City's Stormwater Management Services.

(B) The imposition of a Stormwater Service Assessment is an equitable and efficient method of allocating and apportioning the cost of the City's Stormwater Management Service among parcels of property that are burdening the City's Stormwater System and thus specially benefited by provision of the Stormwater Management Service.

(C) At a public hearing held on September 9, 2015, the City adopted Resolution 2015-11, which imposed Stormwater Service Assessments rates for the Fiscal Year beginning October 1, 2015 through and including the Fiscal Year beginning October 1, 2019. The maximum rate imposed during that time will be \$62.45 per Tax Parcel for Tier 1 plus \$111.62 per equivalent residential unit for Tier 2.

(D) The City desires to re-impose the Stormwater Service Assessments using the tax bill method for Fiscal Years beginning on or after October 1, 2018.

(E) In order to re-impose Stormwater Service Assessments for the Fiscal Year beginning October 1, 2018, the Assessment Ordinance requires the City to

adopt an Annual Stormwater Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of Stormwater Service Assessments and approves the Stormwater Service Assessment Rolls for the upcoming Fiscal Year, with such amendments as the City deems appropriate, after hearing comments and objections from all interested parties.

(F) The updated Stormwater Service Assessment Rolls have heretofore been made available for inspection by the public, as required by the Assessment Ordinance.

(G) As required by the terms of the Assessment Ordinance, notice of a public hearing has been published and mailed to each property owner whose Stormwater Service Assessment has been increased or which will be charged for the first time and notifying such property owner of the opportunity to be heard. The proof of publication and an affidavit of mailing are attached hereto as EXHIBIT A and B, respectively.

(H) A public hearing has been duly held on September 4, 2018, and comments and objections from all interested persons have been heard and considered as required by the terms of the Assessment Ordinance.

(I) The Stormwater Service Assessments contemplated hereunder are imposed by the City, not the Pinellas County Property Appraiser or the Pinellas County Tax Collector. Any activity of the Pinellas County Property Appraiser or the Pinellas County Tax Collector under the provisions of this Annual Assessment Resolution shall be construed solely as ministerial.

(J) The legislative determinations and findings set forth in the Stormwater Resolutions are hereby ratified, confirmed and incorporated herein by reference.

SECTION 4. Re-imposition of Stormwater Service Assessments; Approval of Stormwater Service Assessment Rolls. The Tax Parcels of Assessed Property described in the Stormwater Service Assessment Rolls, as updated, are hereby found to be specially benefited by the City's Stormwater Management Services in the amount of the Stormwater Service Assessments, copies of which were present or available for inspection at the above referenced public hearing and are incorporated herein by reference and are hereby approved. The table below describes the rate of Stormwater Service Assessments that was previously approved for Fiscal Year 2019.

Description	Fiscal Year Beginning October 2018
Tier 1 (fixed) per tax parcel	\$60.63

Tier 2 (variable) per ERU

\$101.01

It is hereby ascertained, determined and declared that the estimated revenue to be derived for Fiscal Year 2019 from the imposition of Stormwater Service Assessments at the rates shown above does not exceed the budgeted Stormwater Management Services, 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. Stormwater Service Assessments in the amounts set forth in the Stormwater Service Assessment Rolls are hereby levied and re-imposed on all Tax Parcels described in the Stormwater Service Assessment Rolls. Adoption of this Annual Stormwater Resolution constitutes a legislative determination that all parcels charged derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Stormwater Resolutions from the City's Stormwater Management Services, and that the Stormwater Service Assessments are fairly and reasonably apportioned among the properties that burden the Stormwater System and thus receive the special benefit.

SECTION 5. Confirmation of Stormwater Resolutions. The Stormwater Resolutions are hereby ratified and confirmed.

SECTION 6. Collection of Stormwater Service Assessments. The Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in the Assessment Ordinance and the Stormwater Resolutions. The City Manager is hereby authorized and directed to certify and deliver, or cause the certification and delivery of, the Stormwater Service Assessment Rolls for the Stormwater Service Assessments to the Tax Collector by September 15, 2018, in the manner prescribed by the Uniform Assessment Collection Act. The Stormwater Service Assessment Rolls for the Stormwater Service Assessments, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non- Ad Valorem Assessment Roll in substantially the same form as attached hereto as EXHIBIT C.

SECTION 7. Stormwater Service Assessment Liens. Such Stormwater Service Assessments imposed within the City listed on the Stormwater Service Assessments Rolls described in Section 4 hereof shall 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. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims until paid. The lien for Stormwater Service Assessments shall be deemed perfected upon adoption of this Annual Stormwater Resolution. Upon perfection, the lien for Stormwater Service Assessments collected under the Uniform Assessment Collection Act shall attach to the property included on the Stormwater Service Assessments Rolls as of January 1, 2016, the lien date for ad valorem taxes.

SECTION 8. Effect of Adoption of Annual Stormwater Resolution. The adoption

of this Annual Stormwater Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the rate of the special assessments and the adoption of the Stormwater Service Assessments Rolls), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the effective date of this Annual Stormwater Resolution.

SECTION 9. Conflicts. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 10. Severability. If any clause, section, other part or application of this Annual Stormwater Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or by application, it shall not affect the validity of the remaining portions or applications of this Annual Stormwater Resolution.

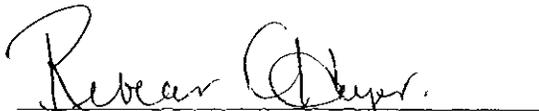
SECTION 11. Effective Date. This Resolution shall take effect immediately upon adoption.

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



Alan Johnson, Mayor

ATTEST:



Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



Andrew Dickman, City Attorney

EXHIBIT A

PROOF OF PUBLICATION

Tampa Bay Times
Published Daily

STATE OF FLORIDA)
COUNTY OF Pinellas County) ss

Before the undersigned authority personally appeared Virginia Marshall who on oath says that he/she is Legal Clerk of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: Stormwater fees was published in Tampa Bay Times: 8/10/18, in said newspaper in the issues of St Pete Times Beaches

Affiant further says the said Tampa Bay Times is a newspaper published in 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 a second class mail matter at the post office 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 neither paid not 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

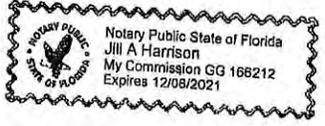
Virginia M Marshall
Signature of Affiant

Sworn to and subscribed before me this 08/10/2018.

Jill A Harrison
Signature of Notary Public

Personally known _____ or produced identification

Type of identification produced _____



Exh. 6.7 A

**CITY OF ST PETE BEACH
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 of St. Pete Beach City Commission will hold for the approval of the following:

The City Commission, the Commission of the City of St. Pete Beach (the Commission) is holding a public hearing on the Annual Assessment Resolution for Fiscal Year 2019. The Resolution provides for the imposition of a stormwater non-ad valorem special assessment on all property owners within the City of St. Pete Beach. The assessment is based on the number of equivalent residential units (ERU) and the amount of impervious area attributable to each parcel. The assessment will be used to fund the City's stormwater system and other stormwater related projects. The assessment will be imposed on all property owners within the City of St. Pete Beach, regardless of whether they own a residential or commercial property. The assessment will be collected as part of the annual property tax bill. The assessment will be used to fund the City's stormwater system and other stormwater related projects. The assessment will be imposed on all property owners within the City of St. Pete Beach, regardless of whether they own a residential or commercial property. The assessment will be collected as part of the annual property tax bill. The assessment will be used to fund the City's stormwater system and other stormwater related projects.

The Commission will hold a public hearing at 6:00 pm on September 4, 2018, in the City Commission Chambers at City Hall, 166 Corey Avenue, St. Pete Beach, Florida, for the purpose of receiving public comment on the proposed increased assessments and considering a resolution approving stormwater non-ad valorem special assessments for Fiscal Year 2019. The assessment 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 stormwater 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 4, 2018 public hearing and may also file written objections with the City Commission prior to the hearing. Anyone wishing to appeal a 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 based.

The stormwater assessment will be imposed at a maximum rate of \$62.45 per tax parcel for tax parcels with 1 ERU or \$21 per equivalent residential unit or "ERU" for parcels with 2 or more ERUs. Such amounts include a pro rata share of administrative and collection costs associated with the stormwater assessments. The assessment will be used to fund the City's stormwater system and other stormwater related projects. The assessment will be imposed on all property owners within the City of St. Pete Beach, regardless of whether they own a residential or commercial property. The assessment will be collected as part of the annual property tax bill. The assessment will be used to fund the City's stormwater system and other stormwater related projects.

A public hearing on the above non-ad valorem special assessments will be held on the date and time and at the location below:

NAME OF BOARD	DATE	TIME
City Commission	September 4, 2018	6:00 pm

PUBLIC HEARING LOCATION: City of St. Pete Beach
City Commission Chambers
166 Corey Avenue
St. Pete Beach, FL 33706

NOTE: The above-scheduled public hearing may be continued from time to time, pending adjournment. Any written comments that are received on the subject matter will become part of the official record. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this hearing will need a record of the proceedings and for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Copies of the Stormwater Assessment Resolution and the preliminary stormwater non-ad valorem assessment roll are on file in the Finance Department and may be inspected by the public. Any interested party may appear at the hearing and be heard with respect to the non-ad valorem special assessments.

FOR MORE INFORMATION OR TO VIEW THE FILE ON THIS REQUEST PLEASE CONTACT:

City of St. Pete Beach
Finance Department
166 Corey Avenue, St. Pete Beach, Florida 33706
(727) 461-2257

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility by public hearings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a hearing should contact City Hall at (727) 461-2738 no later than forty-eight (48) hours prior to the hearing for assistance.

PREPARED BY AND SUBMITTED BY: Mary Jo Murphy, Deputy City Clerk
See: Mary Jo Murphy, Deputy City Clerk

EXHIBIT B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

**STATE OF FLORIDA
COUNTY OF PINELLAS**

BEFORE ME, the undersigned authority, personally appeared Vincent M. Tenaglia, who, after being duly sworn, deposes and say:

I, Vincent Tenaglia, have been designated by the City of St. Pete Beach, Florida, to mail the notices required by Sections 2.06 and 2.08 of City Ordinance 2009-30 (the "Assessment Ordinance"). On or before August 14, 2018, I mailed or directed the mailing of, a notice in accordance with Sections 2.06 and 2.08 of the Assessment Ordinance by first class mail, to each owner of property included on the Stormwater Service Assessment Rolls in conformance with the requirements of the Assessment Ordinance, at the address shown on the real property assessment tax roll maintained by the Pinellas County Property Appraiser for the purpose of the levy and collection of ad valorem taxes. An exemplary form of such notice is attached hereto.

FURTHER AFFIANTS SAYETH NOT.



Vincent M. Tenaglia, Affiant

The foregoing instrument was acknowledged before me by Vincent M. Tenaglia, who is personally known to me or who has produced NA as identification and did take an oath.

WITNESS, my hand and official seal this 4th day of September, A.D., 2018.



REBECCA C. HAYNES
MY COMMISSION # FF 010717
EXPIRES: November 22, 2019
Bonded Thru Budget Notary Services

Rebecca C. Haynes
Signature of person taking acknowledgment

Rebecca C. Haynes
Name of acknowledger (printed)

My commission expires: 11/22/2019

EXHIBIT C

FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

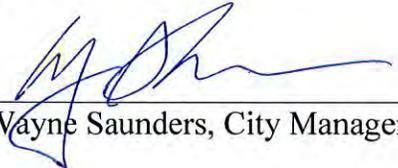
**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the City Manager of the City Commission of the City 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") for the City 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, 2018.

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 4th day of September, 2018.

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

By: 

Wayne Saunders, City Manager