

## RESOLUTION 2021-16

**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 CONFLICTS, SEVERABILITY, AND 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) The City desires to reimpose the Stormwater Service Assessments using the tax bill method for the Fiscal Year beginning on October 1, 2021.

(D) In order to reimpose Stormwater Service Assessments for the Fiscal Year beginning October 1, 2021, 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.

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

(F) 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.

(G) A public hearing has been duly held on September 13, 2021, and comments and objections from all interested persons have been heard and considered as required by the terms of the Assessment Ordinance.

(H) 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.

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

SECTION 4. Reimposition 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 approved for Fiscal Year 2022.

| <u>Description</u>            | <u>Fiscal Year Beginning October 1, 2021</u> |
|-------------------------------|--|
| Tier 1 (fixed) per tax parcel | \$64.32                                      |
| Tier 2 (variable) per ERU     | \$119.43                                     |

It is hereby ascertained, determined and declared that the estimated revenue to be derived for Fiscal Year 2022 from the imposition of Stormwater Service Assessments at the rates shown above does not exceed the budgeted Stormwater Management Service Costs, 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 reimposed 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, 2021, 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, 2021, 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.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS 15 DAY OF September, 2021.**

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

  
\_\_\_\_\_  
Alan Johnson, Mayor

ATTEST:

  
\_\_\_\_\_  
Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Andrew Dickman, City Attorney

**EXHIBIT A**  
**PROOF OF PUBLICATION**



## LEGAL NOTICE

## 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 2022 pertaining to the annual special assessments against tax parcels within the City limits to fund costs associated with the City's stormwater system. The special assessment for each parcel of property consists of two tiers: (1) a per parcel amount imposed to fund the fixed costs associated with the City's stormwater 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 system. A more specific description of the stormwater assessments, 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 Resolution No. 2010-07, 2010-08, 2011-18, and 2011-19, as amended and supplemented (collectively, the "Stormwater Resolutions").

The Commission will hold a public hearing at 6:00 p.m., or as soon thereafter as the matter may be heard, on September 13, 2021 for the purposes of receiving public comment on the proposed assessments and considering a resolution approving stormwater non-ad valorem assessment rolls. If imposed, the stormwater assessments for Fiscal Year 2022 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 stormwater assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

**Hearing date/location:**

**September 13, 2021**

**City Hall Commission Chambers**

**155 Corey Avenue, St. Pete Beach, FL 33706**

All affected property owners are invited to attend and participate in the September 13, 2021 public hearing and may also file written objections with the City Commission prior to or during 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 made.

The stormwater assessment will be imposed at a maximum rate of \$64.32 per tax parcel for Tier 1 plus \$119.43 per equivalent residential unit or "ERU" for Tier 2. Such amounts include a pro rata share of administrative 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. The stormwater 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 Stormwater Resolutions, the Annual Assessment Resolution and the preliminary stormwater non-ad valorem assessment roll are available for inspection at the Finance Office, located at City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

Questions concerning the proposed assessment should be directed to the City's Finance Department at (727) 363-9250.

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

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

Prepared by: Vincent Tenaglia, Assistant City Manager/Finance Director

Submitted by: Amber LaRowe, City Clerk

9/01/2021

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**EXHIBIT B**  
**AFFIDAVIT OF MAILING - STATE OF FLORIDA, PINELLAS COUNTY**

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 20, 2021, 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.

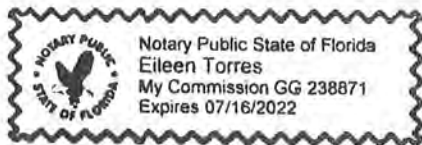
FURTHER AFFIANTS SAYETH NOT.

  
\_\_\_\_\_  
Vincent M. Tenaglia, Affiant

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 21<sup>st</sup> day of September, 2021, by (name of person making statement).

(NOTARY SEAL)

  
\_\_\_\_\_  
Signature of Notary Public



Eileen Torres  
\_\_\_\_\_  
Name of Notary (typed, printed, or stamped)

Personally Known or  Produced Identification  
Type of Identification Produced: \_\_\_\_\_

**EXHIBIT C - FORM OF 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, 2021.

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 4 day of September, 2021.

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

By: \_\_\_\_\_

Alex Rey, City Manager