

RESOLUTION NO=2016- 706

FINAL STORMWATER RESOLUTION

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A RESOLUTION OF THE CITY OF TAMPA, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF STORMWATER IMPROVEMENTS BY THE CITY'S STORMWATER UTILITY; IMPOSING STORMWATER IMPROVEMENT ASSESSMENTS AGAINST CERTAIN REAL PROPERTY WITHIN THE CENTRAL AND LOWER BASIN IMPROVEMENT AREA; APPROVING THE STORMWATER ROLL; AMENDING AND CONFIRMING THE INITIAL STORMWATER ASSESSMENT RESOLUTION; PROVIDING FOR A METHOD OF COLLECTING THE STORMWATER IMPROVEMENT ASSESSMENTS; APPROVING THE HARDSHIP PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

**WHEREAS**, the City of Tampa, Florida (the "City"), has heretofore enacted Chapter 21 of the City of Tampa Code, as amended and supplemented, and particularly as amended and supplemented by Ordinance No. 2003-0200 enacted by the City on August 7, 2003 (the "Stormwater Code"), to authorize the imposition of Stormwater Improvement Assessments against real property burdening portions of the City's Stormwater System, and thus specially benefited by, construction and funding of Stormwater Improvements in certain areas of the City; and

**WHEREAS**, the imposition of a Stormwater Improvement Assessment is an equitable and efficient method of allocating and apportioning the Project Cost of the Stormwater Improvements among parcels of real property within certain areas of the City; and

**WHEREAS**, pursuant to Section 21-124 of the Stormwater Code, the City proposed the creation of the Central and Lower Basin Improvement Area by its Resolution 2016-567, adopted July 14, 2016 (the "Initial Assessment Resolution") and provided therein a description of the Stormwater Improvements, described the method of assessing the Project Cost of the Stormwater Improvements against the real property that will be specially benefited thereby, provided specific legislative findings required by the Stormwater Code and directed preparation of the tentative Stormwater Roll and provision of the notices required by the Stormwater Code; and

**WHEREAS**, pursuant to Section 21-128 of the Stormwater Code, the City is required to confirm or repeal the Initial Assessment Resolution, with such amendments as the City deems appropriate, after hearing comments and receiving objections of all interested parties; and

**WHEREAS**, the Stormwater Roll has heretofore been made available for inspection by the public, as required by the Stormwater Code; and

**WHEREAS**, as required by Sections 21-126 and 21-127 of the Stormwater Code, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as APPENDICES A and B, respectively; and

**WHEREAS**, a public hearing has been duly held on September 1, 2016, and comments and objections from all interested persons have been heard and considered as required by the terms of the Stormwater Code; and

**WHEREAS**, the Initial Assessment Resolution made certain findings relating to the availability of a Hardship Program for payment of Stormwater Improvement Assessments upon application and in instances where the property owner demonstrates a financial hardship, as the same may be set forth in resolution(s) adopted by the City; and

**WHEREAS**, it is now appropriate to approve the Hardship Program, as the same may hereafter be amended and supplemented from time to time, so that it is available to qualifying property owners; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA THAT:**

**SECTION 1. RECITALS.** The above recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Final Assessment Resolution.

**SECTION 2. AUTHORITY.** This Final Assessment Resolution is adopted pursuant to Chapter 166, Florida Statutes, the Stormwater Code, and other applicable provisions of law.

**SECTION 3. DEFINITIONS.** All capitalized terms used in this Final Assessment Resolution shall have the meanings defined in the Stormwater Code and the Initial Assessment Resolution.

**SECTION 4. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

**SECTION 5. AMENDMENT AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION, STORMWATER CAPITAL IMPROVEMENT PLAN AND STORMWATER IMPROVEMENTS.** (A) The first sentence of Section 3.09(A) of the Initial Assessment Resolution is hereby amended and restated as follows:

"Petitions for review of the number of Net ESUs attributed to any Tax Parcel shall be submitted to the Director, who shall have authority to make adjustments or to correct any errors made in applying the provisions of this Article III hereof to the Tax Parcel."



(B) It is hereby ascertained, determined and declared that the Initial Assessment Resolution, as amended by Section 5(A) above, is hereby ratified and confirmed. The Stormwater Capital Improvement Plan and Stormwater Improvements funded by imposition of the Stormwater Improvement Assessments and as described in the Initial Assessment Resolution are hereby approved.

**SECTION 6. CLASSIFICATION OF TAX PARCELS.** Each Tax Parcel located within the Central and Lower Basin Improvement Area has been assigned a classification consistent with the provisions of the Initial Assessment Resolution by the method set forth therein.

**SECTION 7. CENTRAL AND LOWER BASIN IMPROVEMENT AREA.** The Central and Lower Basin Improvement Area is hereby created as a "Stormwater Improvement Area" within the meaning of Section 21-4 of the Stormwater Code to include the property described in the Initial Assessment Resolution.

**SECTION 8. APPROVAL OF STORMWATER ROLL.** The Stormwater Roll for the Stormwater Improvement Assessments, a copy of which is incorporated herein by reference and has been maintained and available for public inspection at the City Clerk's Office as well as present or available for inspection at the above-referenced public hearing, is hereby approved.

**SECTION 9. IMPOSITION OF STORMWATER IMPROVEMENT ASSESSMENTS.**

(A) The Tax Parcels of Developed Property described in the Stormwater Roll are hereby found to be specially benefited by the Stormwater Improvements in the amount of the annual Stormwater Improvement Assessments set forth in the Stormwater Roll. The methodology for computing annual Stormwater Improvement Assessments described in the Initial Stormwater Improvement Assessment Resolution is hereby approved. Based upon the methodology in the Initial Assessment Resolution, Stormwater Improvement Assessments shall be imposed at the following annual rates:

<u>(October 1)</u>	<u>Amount per Equivalent Stormwater Unit (1.0 "ESU")</u>
2016	\$44.99
2017	\$52.40
2018	\$61.02
2019	\$71.05
2020	\$82.74
2021 and thereafter	\$89.55

Stormwater Improvement Assessments in the amounts set forth in the Stormwater Roll, are hereby levied and imposed on all Tax Parcels described in the Stormwater Roll.

(B) The City expects that annual Stormwater Improvement Assessments shall be imposed for a period not to exceed thirty (30) years.

**SECTION 10. COLLECTION OF STORMWATER IMPROVEMENT ASSESSMENTS.** The Stormwater Improvement Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in Section 21-132 of the Stormwater Code. Upon adoption of the Annual Stormwater Resolution for each Fiscal Year, the Director of the Department of Transportation and Stormwater Services is hereby authorized and directed to certify and deliver, or cause the certification and delivery of, the Stormwater Roll for the Stormwater Improvement Assessments to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The Stormwater Roll for the Stormwater Improvement 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 APPENDIX C.

**SECTION 11. STORMWATER IMPROVEMENT ASSESSMENT LIENS.** Upon adoption of the Annual Stormwater Resolution for each Fiscal Year, the Stormwater Improvement Assessments 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 shall be deemed perfected upon adoption of the Annual Stormwater Resolution and shall attach to the property included on the Stormwater Roll as of the prior January 1, the lien date for ad valorem taxes.

**SECTION 12. APPROVAL OF HARDSHIP PROGRAM.** The Council hereby finds that the Hardship Program is fair and reasonable and, therefore, approves the Hardship Program attached hereto as APPENDIX D. The Hardship Program may be hereafter amended and supplemented from time to time by separate resolution(s) or in the Annual Stormwater Resolution.

**SECTION 13. EFFECT OF ADOPTION OF FINAL ASSESSMENT RESOLUTION.** The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the estimated Project Cost, the description of the Stormwater Improvements, the rate of assessment each year, the adoption of the Stormwater Roll and the levy and lien of Stormwater Improvement Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the effective date of this Final Assessment Resolution.

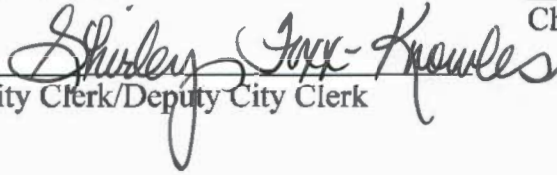
**SECTION 14. CONFLICTS.** All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

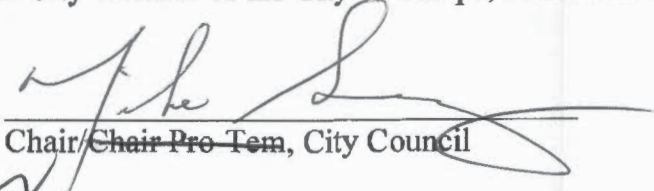
**SECTION 15. SEVERABILITY.** If any clause, section, other part or application of this Final Assessment Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or by application, it shall not affect the validity of the remaining portions or applications of this Final Assessment Resolution.

**SECTION 16. EFFECTIVE DATE.** This Final Assessment Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Tampa, Florida on September 1, 2016.

**ATTEST:**

  
\_\_\_\_\_  
City Clerk/Deputy City Clerk

  
\_\_\_\_\_  
Chair/~~Chair Pro Tem~~, City Council

**APPROVED AS TO FORM**

\_\_\_\_\_  
Janice M. McLean  
Senior Assistant City Attorney

**APPENDIX A**

**PROOF OF PUBLICATION**



338592

**Tampa Bay Times**  
Published Daily

STATE OF FLORIDA ) ss  
COUNTY OF Hillsborough County

Before the undersigned authority personally appeared Amy Robison 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: TAMPA 2016-567 was published in Tampa Bay Times: 8/10/16. in said newspaper in the issues of B Tampa

Affiant further says the said Tampa Bay Times is a newspaper published in Hillsborough County, Florida and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as a second class mail matter at the post office in said Hillsborough 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

*Amy Robison*  
Signature of Affiant

Sworn to and subscribed before me this 08/10/2016.

*Johnnie Murry*  
Signature of Notary Public

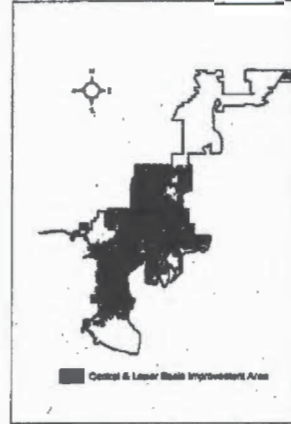
Personally known  or produced identification

Type of identification produced \_\_\_\_\_



LEGAL NOTICE

**PUBLIC NOTICE**  
**RESOLUTION NO. 2016-567**  
**NOTICE OF HEARING TO IMPOSE A**  
**STORMWATER IMPROVEMENT ASSESSMENT**  
**WITHIN THE PROPOSED CENTRAL AND LOWER**  
**Basin Improvement Area AND PROVIDE**  
**FOR COLLECTION OF NON-AD VALOREM**  
**ASSESSMENT**



Notice is hereby given that, pursuant to Section 21-126 of the City of Tampa Code, the City Council of the City of Tampa, Florida, will conduct a public hearing to receive written comments and hear testimony from all interested persons regarding adoption of the Final Stormwater Improvement Assessment Resolution for the Central and Lower Basin Improvement Area depicted in the map above. The hearing will be held at 6:00 P.M., or as soon thereafter as possible, September 1, 2016, in the Tampa City Council Chambers located at 315 E. Kennedy Blvd., Tampa, Florida, 33602.

Note that this Stormwater Improvement Assessment is proposed to pay for costs related to the construction and financing of the City's Stormwater Capital Improvement Plan in the Central and Lower Basin Improvement Area. The Stormwater Capital Improvement Plan involves constructing the projects necessary to address ongoing stormwater issues such as flooding and water quality within the Central and Lower Basin Improvement Area. This Stormwater Improvement Assessment is to be imposed in addition to the City-wide Stormwater Service Assessment (which funds Stormwater Management Services city-wide). The Stormwater Improvement Assessment is proposed to be in place for a period of thirty years commencing with the property tax bill mailed in November 2016.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk at (813) 274-8387 at least 72 hours prior to the date of the hearing. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TTY) or 1-800-955-8770 (voice), for assistance. All affected property owners have a right to appear at the hearing and to file written objections with the City Council. All written objections to the Stormwater Improvement Assessments must be filed with the City Council of Tampa prior to the public hearing. Please include your name, folio number, and the reason you object to the Stormwater Improvement Assessments on all written objections. Address all written objections as follows: Stormwater Division; Comments to Non-ad Valorem Assessments; 308 E. Jackson Street, Tampa, Florida 33602. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you 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 Stormwater Improvement Assessments will be collected by the Hillsborough County Tax Collector and failure to pay the Stormwater Improvement Assessment will cause a tax certificate to be issued against the assessed property, which may result in a loss of title to your property.

If you have any questions, please contact the Stormwater Utility Administrator at (813) 274-3101.

THE CITY OF TAMPA, FLORIDA

INTERESTED PARTIES MAY APPEAR AND BE HEARD AT SAID HEARING.

SHIRLEY FOX-KNOWLES, CMC  
CITY CLERK

8/10/16

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**APPENDIX B**

**AFFIDAVIT OF MAILING**




**AFFIDAVIT OF MAILING**

**STATE OF FLORIDA  
COUNTY OF LEON**

BEFORE ME, the undersigned authority, personally appeared Sandi Melgarejo, who, after being duly sworn, deposes and say:

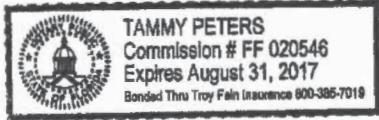
I, Sandi Melgarejo, have been designated by the City of Tampa, Florida, to mail the notices required by Section 21-127 of Chapter 21 of the City of Tampa Code, as amended and supplemented, and particularly as amended and supplemented by Ordinance No. 2003-0200 enacted by the City on August 7, 2003 (the "Stormwater Code"). On or before August 11, 2016, I mailed or directed the mailing of, a notice in accordance with Section 21-127 of the Stormwater Code by first class mail, to each owner of property within the Central and Lower Basin Improvement Area in conformance with the requirements of the Stormwater Code and Resolution No. 2016-567 adopted by the City on July 14, 2016, at the address shown on the real property assessment tax roll maintained by the Hillsborough County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.

  
\_\_\_\_\_  
Affiant

The foregoing instrument was acknowledged before me by Sandi Melgarejo, who is personally known to me or who has produced \_\_\_\_\_ as identification and did (did not) take an oath.

WITNESS, my hand and official seal this 25 day of August, A.D., 2016.



Tammy Peters  
Signature of person taking acknowledgment  
Tammy Peters  
Name of acknowledger (printed)

My commission expires: August 31, 2017

**APPENDIX C**

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



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

I, the undersigned, hereby certify that I am the Chair of the City Council or authorized agent of \_\_\_\_\_  
City of Tampa  
(name of local government)

located in Hillsborough County, Florida; as such I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county 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 upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as a part thereof, that said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Total Record Count	_____
Zeroed Item Count	_____
Assessment Record Count	_____
Total Assessment	\$ _____

\_\_\_\_\_  
(Chair of the Council or Authorized Agent)  
of the City of Tampa, Hillsborough County, Florida

**APPENDIX D**  
**HARDSHIP PROGRAM**

## **HARDSHIP PROGRAM FOR STORMWATER IMPROVEMENT ASSESSMENT**

The City Council has determined that a Hardship Program (Program) for relief from payment of the City of Tampa's Stormwater Improvement Assessment should be established in the interest of the citizens of Tampa who are determined eligible and who otherwise may not be able to pay the City Stormwater Improvement Assessment.

The City Council has herein set forth the eligibility requirements for the Program, an application and continuing certification requirements for property owners in Tampa subject to the Stormwater Improvement Assessment.

The City will endeavor to provide the funds for the Program which funds will be determined from all legally available funds other than revenues from the Stormwater Improvement Assessment subject to the identification and approval of funds in the City's annual budget.

**SECTION 1.** The City Council hereby establishes the following Program for payment of the City of Tampa Stormwater Improvement Assessment whereby qualified property owners can seek relief from payments for the non advalorem assessment.

### **A. PURPOSE AND APPLICABILITY**

This appendix to the Final Resolution for the Stormwater Improvement Assessment includes the criteria to establish the eligibility, application and recertification requirements for the City of Tampa Stormwater Improvement Assessment Hardship Program. City of Tampa property owners whose maximum household income is no greater than thirty percent (30%) of the Area Median Income (AMI) as established annually by the U.S. Department of Housing and Urban Development (HUD) may apply to have their improvement assessment paid by the City if determined to be eligible and funds are available for the Program.

### **B. DEFINITIONS**

1. **Household:** For purposes of the Program, the term "Household" shall mean a group of individuals residing in the same property, whether related or not.
2. **Income:** For purposes of the Program, the term "income" shall include payments received from all sources, including, but not limited to wages, social security, child support, alimony, pension, rental income, dividends, and interest.
3. **Owner:** The term "owner" means the person(s) who hold(s) legal or equitable title to real property.

### **C. MINIMUM REQUIREMENTS TO QUALIFY FOR HARDSHIP PROGRAM PAYMENT**

In order to qualify for payment by the City of the City Stormwater Improvement Assessment for a property, an applicant must meet all of the following minimum requirements:



1. The property must be a single family residence which is owner-occupied and with a homestead exemption.
2. At least one owner must be sixty-five (65) years of age by January 1st or be unable to work because of a disability. Qualifications and documentation required for these exemptions, Senior Citizen or disability, can be found at the Hillsborough County Property Appraiser's office or website at [www.hcpafl.org](http://www.hcpafl.org)
3. The total income of all residents of the household and owners of the property shall not exceed thirty percent (30%) of the Area Median Income (AMI) as established annually by the U.S. HUD.
4. The property must have a taxable value of less than \$100,000, after exemptions.
5. The property must be assessed at 1.0 or less Equivalent Stormwater Unit (ESU).

#### **D. APPLICATION REQUIREMENTS**

For the initial year of the Program implementation, applications shall be submitted to the City no later than December 1, 2016. Thereafter beginning in 2017, any homeowner desiring to apply for the Program shall submit an application by April 1st to qualify for payment for the next tax year including an executed authorization(s) for release of financial information and disability verification on forms prescribed by the Housing and Community Development Division.

The submission of a false, misleading or incomplete application shall result in the denial of the application and revocation or cancellation of any previously approved application(s) as well as reinstatement of all past assessment charges for the property. The application form shall include the following information:

1. Full names, ages and social security numbers of all persons residing in the residence at any time during the year.
2. Proof of Income: for all sources of income for all property owners and all persons residing on the property, including, but not limited to, wages, social security, child support, alimony, pension, rental income, dividends, and interest and any income derived from any business owned by any resident of the household. Written documentation to support this information is required, such as benefit letters, paystubs and bank statements.
3. Copy of the Deed: The type of interest (i.e. fee simple, life estate) of all person(s) who have an ownership interest in the subject property.
4. Property Tax Statement: indicating Homestead Exemption and if applicable, Disability Exemption or Veteran's Disability Exemption.

#### **E. APPLICATION REVIEW AND DETERMINATION OF ELIGIBILITY**

1. The Housing and Community Development Division shall be responsible for reviewing all Hardship applications for completeness and for advising applicants of the need for additional information or documentation. The Housing and Community Development Manager or designee may also conduct an independent inquiry to verify the accuracy and completeness of the information provided by an applicant.
2. The City will review the homestead status, Senior Citizen and disability exemptions (this information will be obtained from the County Property Appraisers website). The Property Appraiser exemptions will be used to determine eligibility for owner occupied status, Veteran's Disability and Permanent Disability. If the homeowner is not currently receiving these exemptions they will not be eligible for the Program.
3. If an application meets all of the criteria, the Housing and Community Development Division shall approve the application and provide a report of approved applications to the Stormwater Engineering Division.
4. The Stormwater Engineering Division will confirm eligibility and send reports to the Revenue and Finance Director along with issuing the Certificate of Correction to the County Property Appraiser's office and the homeowner.
5. Upon approval of an application, the Stormwater Engineering Division shall notify the Revenue and Finance Department Director to provide payment of the approved applicant's Stormwater Improvement Assessment using the City's identified and available funds for the Program other than revenues from the Stormwater Improvement Assessment. The City will include sufficient funds within the annual budget to fund the Program using all legally available funds subject to the availability and approval of such funds in the City's annual budget.

#### **F. ANNUAL RECERTIFICATION**

1. All persons who have been approved for the Program shall provide documentation to the City before April 1<sup>st</sup> of each year that they remain eligible for the Program.
2. Recertification documentation shall be a self-certification form provided by the City that confirms that all of the information in the original application remains unchanged. The submission of false, misleading or incomplete information on the self-certification form shall result in the revocation or cancellation of any previously approved application(s) as well as reinstatement of all past assessment charges for the property.

#### **G. TRIENNIAL REAPPLICATION**

Every three years from the date of original approved application, the homeowner is required to reapply providing the same required information as the initial application made current at that time.

**SECTION 2.** This Program, processes and forms identified herein shall take effect immediately upon the adoption of the Final Resolution for the Stormwater Improvement Assessment by the City Council.