Stormwater

RESOLUTION NO. 2003- 1111

CITY OF TAMPA, FLORIDA

FINAL STORMWATER RESOLUTION

ADOPTED SEPTEMBER 11, 2003

TABLE OF CONTENTS

		Page
SECTION 1.	AUTHORITY	3
SECTION 2.	DEFINITIONS	3
SECTION 3.	INITIAL STORMWATER RESOLUTION AMENDED	4
SECTION 4.	CONFIRMATION OF INITIAL STORMWATER ASSESSMENT RESOLUTION.	5
SECTION 5.	APPROVAL OF STORMWATER ROLL	5
SECTION 6.	STORMWATER CHARGES	5
SECTION 7.	COLLECTION OF STORMWATER CHARGES	6
SECTION 8.	EFFECT OF ADOPTION OF RESOLUTION.	7
SECTION 9.	EFFECTIVE DATE.	8

APPENDICES

APPENDIX A	PROOF OF PUBLICATION	A-1
APPENDIX B	AFFIDAVIT OF MAILING	B-1
APPENDIX C	FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL	C-1

RESOLUTION NO. 2003- 1111

A RESOLUTION OF THE CITY OF TAMPA, FLORIDA, RELATING TO THE PROVISION OF STORMWATER SERVICES; AMENDING THE INITIAL STORMWATER RESOLUTION NO. 2003-000937; IMPOSING STORMWATER SERVICE ASSESSMENTS AND STORMWATER FEES AGAINST CERTAIN REAL PROPERTY WITHIN THE CITY OF TAMPA; APPROVING THE STORMWATER ROLL FOR STORMWATER SERVICE ASSESSMENTS AND THE STORMWATER FEES; CONFIRMING THE INITIAL STORMWATER RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa, Florida, has enacted Chapter 21 of the City of Tampa Code ("City Code") relating to Stormwater Management, which authorizes the imposition of Stormwater Service Assessments against real property specially benefited by the City's Stormwater Management Services and the imposition of Stormwater Fees against Government Property that demands and receives Stormwater Management Services from the City; and

WHEREAS, the imposition of a Stormwater Service Assessment and a Stormwater Fee are equitable and efficient methods of allocating and apportioning the cost of the City's Stormwater Management Service among parcels of property that are specially benefited thereby and those parcels of Government Property that demand and receive Stormwater Management Services from the City; and

WHEREAS, the City Council adopted Resolution No. 2003-000937, the Initial Stormwater Resolution, as amended herein, geographically identifying the area within which the City provides Stormwater Management Services and those properties to be specially benefited by the City's Stormwater Management Services (the "Stormwater Service Area"), describing the method of assessing the cost of the City's Stormwater Management Services (the "Stormwater Service Cost") against the non-Government Property that is Developed Property located within the Stormwater Service Area, describing the method of assessing the cost of the City's Stormwater Management Services against Government Property that is Developed Property located within the Stormwater Service Area, directing the preparation of the tentative Stormwater Roll for Stormwater Service Assessments and the Stormwater Fees, and directing the provision of the notices required by the Sections 21-126 and 21-127 of the City Code; and

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

WHEREAS, the Stormwater Roll has heretofore been filed with the office of the Director of the Stormwater Department, as provided in Section 21-125 of the City Code; and

WHEREAS, as required by the terms of Sections 21-126 and 21-127 of the City Code, notice of a public hearing has been published and mailed to each property owner proposed to be charged a Stormwater Charge, 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 and comments and objections of all interested persons have been heard and considered as required by the Section 21-128 of the City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF TAMPA, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Chapter 21 of the City Code, the Initial Stormwater Resolution (Resolution No. 2003-000937), as amended herein, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This resolution is the Final Stormwater Resolution for the imposition of Stormwater Service Assessments and Stormwater Fees. All capitalized terms in this resolution shall have the meanings defined in Chapter 21 of the City Code and the Initial Stormwater Resolution, as amended herein.

SECTION 3. INITIAL STORMWATER RESOLUTION AMENDED.

(A) Section 3.07 of the Initial Stormwater Resolution concerning the Mitigation Credits available for properties supporting private Mitigation Facilities is hereby amended as follows for the purposes of clarification:

> (A) The Council recognizes the benefits provided by privately maintained Mitigation Facilities. Properties supporting private Mitigation Facilities should be credited for the public benefits they provide. Accordingly, the charges based on the number of ESFIAs otherwise attributable to such property may be adjusted by a Mitigation Credit determined in accordance with the Mitigation Credit Policy. No Mitigation Credit shall exceed the amount of the Tax Parcel's Stormwater Charge.
>
> (B) In order to receive a Mitigation Credit for which property is eligible, a non-residential property owner shall be required to provide the Director with "as built" drawings of the Mitigation Facilities sealed by a Florida registered professional engineer, a certification from a Florida registered professional engineer as to the standards of retention a nd d etention achieved by the Mitigation Facilities, or such other reasonable requirements as may be necessary to effectuate the purposes of this section. Applicants for residential mitigation credits may include property owners, Homeowners' Associations and Community Development Districts and shall provide sufficient information to adequately evaluate the basis for said credit.
>
> (C) No Mitigation Credit shall be ~~applied for service provided to property~~ granted to a parcel whose mitigation is provided by a Mitigation Facility constructed or maintained with City ~~public~~ funds. ~~However, a Mitigation Credit shall be applied for service provided to property by a regional Mitigation Facility if the developer of the property provided a capital contribution to the regional facility in lieu of constructing on-site facilities.~~
>
> [~~strikethrough~~ indicates deletions; underscore indicates additions.]

(B) Except as modified, amended, and supplemented herein, the Initial Stormwater Resolution shall remain in full force and effect.

SECTION 4. CONFIRMATION OF INITIAL STORMWATER RESOLUTION. The Initial Stormwater Assessment Resolution, as modified, amended, and supplemented herein, is hereby confirmed.

SECTION 5. APPROVAL OF STORMWATER ROLL. The Stormwater Roll, which is currently on file in the office of the Director of the Stormwater Department and incorporated herein by reference, is hereby approved.

SECTION 6. STORMWATER CHARGES.

(A) The Tax Parcels of non-Government Property that are Developed Property described in the Stormwater Roll are hereby found to be specially benefited by the City's Stormwater Management Services in the amount of the Stormwater Service Assessment set forth in the Stormwater Roll.

(B) The Tax Parcels of Government Property that are Developed Property described in the Stormwater Roll are hereby found to be charged at a rate that is reasonably related and based upon such properties demand for Stormwater Management Services from the Stormwater Utility and the Stormwater burden created by such properties.

(C) It is hereby found and determined that the estimated revenue to be derived from the imposition of Stormwater Charges at the rate of $12.00 per Net ESFIA does not exceed the budgeted Stormwater Service Cost. Stormwater Charges in the amounts set forth in the Stormwater Roll (based upon the rate of

$12.00 per Net ESFIA), are hereby levied and imposed on all Tax Parcels described in the Stormwater Roll. Such Stormwater Charges shall constitute a lien upon the Tax Parcels so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and 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 Charges shall be deemed perfected upon adoption by the City Council of this Final 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 roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 7. COLLECTION OF STORMWATER CHARGES.

(A) The Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in Section 21-132 of the City Code. The Director of the Stormwater Department is hereby authorized and directed to certify and deliver or cause the certification and delivery of the Stormwater Roll for the Stormwater Service Assessments to the Tax Collector by September 15, in the manner prescribed by section 197.3632, Florida Statutes. The Stormwater Roll 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 form attached hereto as Appendix C.

(B) The Stormwater Fees against Government Property included on the Stormwater Roll for Stormwater Fees shall be collected by a separate bill sent to each owner of Government Property by first class mail, as provided in Section 21-133 of the City Code. The Director of the Stormwater Department is hereby authorized and directed to prepare and mail or cause the preparation and mailing of the separate bill for Stormwater Fees to Government Property. The separate bills for Stormwater Fees shall be mailed no later than November 1, 2003.

SECTION 8. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Stormwater Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the rate of the fee for service to Government Property, the rate of assessment, the adoption of the Stormwater Roll and the levy and lien of the Stormwater Charges), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Stormwater Resolution.

SECTION 9. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 11th day of September, 2003.

CITY OF TAMPA, FLORIDA

Linda Saul-Sena

Linda Saul-Sena, Chairman, City Council

ATTEST:

Shirley Foxx-Knowles

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

APPENDIX A

PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared R. Michael Salmon, Camille P. Tharpe, and Kevin Butler, who, after being duly sworn, depose and say:

1. R. Michael Salmon, as the Director of the Stormwater Department of the City of Tampa, Florida ("City"), as defined in Chapter 21 of the City of Tampa Code, pursuant to that certain notice to proceed for Phase II involving Government Services Group, Inc. ("GSG") dated August 28, 2003, and pursuant to the authority and direction received from the City Council, timely directed the preparation of the Stormwater Roll and the preparation, mailing, and publication of notices in accordance with the Sections 21-126 and 21-127 of the City of Tampa Code and in conformance with the Initial Stormwater Resolution adopted by the City Council on August 7, 2003 (the "Initial Stormwater Resolution").

2. Camille P. Tharpe, is Vice President of GSG. GSG has caused the notices required by Section 21-127 of the City of Tampa Code to be prepared in conformance with the Initial Stormwater Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment or fee; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment or fee; the number of such units contained within each

parcel; the total revenue the City expects to collect by the Stormwater Charges; a statement that failure to pay the Stormwater Service Assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before August 21, 2003, GSG delivered and directed the mailing of the above-referenced notices by Mail Master of Tallahassee, Inc. ("Mail Master"), in accordance with Chapter 21 of the City of Tampa Code and the Initial Stormwater Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Hillsborough County Property Appraiser for the purpose of the levy and collection of ad valorem taxes. Notices to property owners receiving multiple individual notices were mailed, or caused to be mailed by GSG on or before August 21, 2003.

4. Kevin Butler is President of Mail Master. As directed above, Mail Master, mailed or caused to be mailed on or before August 21, 2003, the above-referenced notices delivered to Mail Master by GSG.

FURTHER AFFIANTS SAYETH NOT.

R. Michael Salmon, affiant

Camille P. Tharpe, affiant

Kevin Butler, affiant

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 2 day of Sept., 2003 by R. Michael Salmon, Director of the Stormwater Department, City of Tampa, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

MICHELLE Y. RIVERA
Notary Public, State of Florida
My comm. exp. May 9, 2007
Comm. No. DD 209054

Printed Name: Michelle Y. Rivera
Notary Public, State of Florida
At Large
My Commission Expires: 5/9/07
Commission No.: DD 209054

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 28th day of August, 2003 by Camille P. Tharpe, Vice President, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.

Rebecca L Reese
Printed Name: Rebecca L. Reese
Notary Public, State of Florida
At Large
My Commission Expires:
Commission No.:

REBECCA L. REESE
MY COMMISSION # DD 174151
EXPIRES: December 26, 2006
Bonded Thru Notary Public Underwriters

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 28th day of August, 2003 by Kevin Butler, President, Mail Master of Tallahassee, Inc., a Florida corporation. He is personally known to me or has produced _____ as identification and did take an oath.

Rebecca L Reese
Printed Name: Rebecca L. Reese
Notary Public, State of Florida
At Large
My Commission Expires:
Commission No.:

REBECCA L. REESE
MY COMMISSION # DD 174151
EXPIRES: December 26, 2006
Bonded Thru Notary Public Underwriters

City of Tampa
315 E. Kennedy Blvd.
Tampa, Florida 33602

CITY OF TAMPA, FLORIDA

NOTICE OF HEARING FOR ADOPTION OF STORMWATER SERVICE ASSESSMENTS AND STORMWATER FEES

NOTICE DATE: AUGUST 21, 2003

*** * * * * THIS IS NOT A BILL * * * * ***

«OwnerName»
«ProjectName»
«OwnerAdd1»
«OwnerAdd2»
«City», «State» «Zip»

Property ID# ILN«ProjectName»

Dear City of Tampa Property Owner:

The past decade has brought increasing recognition of environmental and other problems associated with stormwater runoff from developed property, including degradation of our surface waters and standing water on our streets and other property. The City of Tampa (the "City") has actively pursued solutions to these problems by developing a comprehensive Stormwater Utility. Para recibir esta informacion en Espanol sirverse a llamar a (813) 276-6910.

In addition, the City's Comprehensive Plan and recent federal regulations mandate improvements to the City's stormwater management infrastructure. This will require additional expenditures both for capital facilities (land and structures) and operation and maintenance (for example, cleaning and correcting erosion problems in ditches and culverts).

As a result, the City Council has enacted an ordinance to create a Stormwater Utility and provide dedicated funding sources for stormwater management. The City Council has also adopted an Initial Stormwater Resolution, which identifies the area receiving stormwater management services from the City and specifically describes the method of determining the stormwater service assessment for each parcel of non-governmental property and the stormwater fee for each parcel of government property. It is estimated that the City will collect **$2,625,000** from the Stormwater Service Assessments and Stormwater Fees for Fiscal Year 2003-04. The area receiving stormwater management services from the City includes your property.

The Stormwater Service Assessments and Stormwater Fees are based upon the estimated amount of stormwater runoff generated by impervious surface on the property. Impervious surfaces include the roof top, patios, driveways, parking lots and similar areas. The City has determined that the median single-family residence in the City includes**3,310** square feet of impervious surface, which is the value of one unit of "equivalent square footage of impervious area" or "ESFIA Value." The annual Stormwater Service Assessment rate for the upcoming Fiscal Year and for future Fiscal Years will be**$12.00** for each ESFIA. The annual Stormwater Fee rate for the upcoming Fiscal Year and for future fiscal years will be **$12.00** for each ESFIA on government property.

Generally, the number of ESFIAs has been calculated individually for each parcel of property by dividing the impervious surface area by **3,310** square feet.

Information related to credits for stormwater mitigation facilities is provided on the accompanying brochure. The following provides information about the above parcel:

Number of ESFIAs «PID»
Annual Stormwater Assessment or Fee: «Legal»

The City Council will hold a public hearing at 7:30 p.m. on September 11, 2003, in the Tampa Convention Center, Ballroom D located at 333 S. Franklin Street, Tampa, Florida, to receive comments on the proposed Stormwater Service Assessments, including their collection on the ad valorem tax bill, and the Stormwater Fees imposed against government property. You are invited to attend and participate in the hearing. You may also file written objections with the City Council within twenty (20) days of the date of this notice. Please include your name, parcel number, and the reason for your objection on all writtenobjections as follows: Director of Stormwater Department, Objections to Non-ad Valorem Assessments; 306 E. Jackson Street, 7th Floor E., 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. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the City Clerk at (813)274-8396 least 72 hours prior to the date of the hearing. If hearing impaired, please call the Florida Relay Service Number at (800) 955-8771(TDD) for assistance.

Because the Stormwater Service Assessment will be collected by the Tax Collector of Hillsborough County, pursuant to Chapter 197, Florida Statutes, failure to pay the Stormwater Service 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 regarding the number of ESFIAs assigned to your property or the amount of the Stormwater Service Assessment or Stormwater Fee, please contact the Stormwater Department by telephone at (813)276-6905.

APPENDIX C

FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that, I am the Chairman of the City Council of the City of Tampa, 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 Hillsborough County Tax Collector by September 15, 2003.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Hillsborough County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 11th day of September, 2003.

CITY OF TAMPA, FLORIDA

By: Linda Saul-Sena

Linda Saul-Sena
Chairman, City Council

[to be delivered to Tax Collector prior to September 15]