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RESOLUTION NO. 2018- 94

A RESOLUTION OF THE CITY OF TAMPA, FLORIDA RELATING TO THE CITY'S STORMWATER UTILITY AND STORMWATER CAPITAL IMPROVEMENT PLAN; REVISING THE MITIGATION CREDIT POLICY; AUTHORIZING THE MAYOR TO EXECUTE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City enacted Ordinance No. 2003-0200 providing for a Stormwater Utility and the imposition and collection of Stormwater Improvement Assessments, as codified in Chapter 21 of the City Code; and

WHEREAS, the City subsequently adopted Resolution 2003-1111 on September 11, 2003 establishing the Stormwater Service Assessment throughout the City including the current Mitigation Credit Policy; and

WHEREAS, the City adopted Resolution 2016-706 on September 1, 2016 establishing the Stormwater Improvement Assessment including the current Mitigation Credit Policy; and

WHEREAS, the City determined that the availability of the Mitigation Credit pursuant to the City's Mitigation Credit Policy, as further described in both of the above referenced resolutions provides a fair and reasonable opportunity for a property owner to mitigate a Tax Parcel's burden on the Stormwater Utility when weighed against the cost of administrating such Mitigation Credit Policy; and

WHEREAS, the City recognizes the benefits provided by privately maintained Mitigation facilities and wishes to encourage property owners to reduce or eliminate the property's burden on the Stormwater Utility by including an additional level of Mitigation Credit to be allowable to properties that meet the criteria as described in Exhibit "A".

E2015-8CH21

NOW THEREFORE

1. The City Council hereby approves the Mitigation Credit Policy attached hereto as Exhibit "A" and made a part hereof and such Policy will serve as the revised Mitigation Credit Policy for both the Stormwater Service and Stormwater Improvement Assessments.
2. This Resolution shall take effect immediately upon adoption and the revised Policy shall be available to property owners for potential credit commencing with the assessment rolls certified by the City for placement on the November 2018 ad valorem tax bill and thereafter.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON FEB 01 **, 2018**

ATTEST:

Chair/~~Chair Pro-Tem~~, City Council

City Clerk/~~Deputy City Clerk~~

APPROVED AS TO FORM:

Janice M. McLean
Senior Assistant City Attorney

EXHIBIT "A"

City of Tampa Stormwater Utility Mitigation Policy

Eligibility

Parcels subject to a stormwater charge may be granted a mitigation credit based on one of the following factors:

1. No portion of the parcel drains to City right-of-way or any part of a stormwater system over which the City has maintenance responsibility.

2. Owner of parcel contributes monetarily to a Community Development District, Civic Association (Homeowners Association or Property Owners Association), or Special District which provides maintenance to non-City owned stormwater management facilities which accept drainage from City rights-of-way.

3. Parcel has a properly maintained and functional onsite stormwater management system which treats and/or attenuates stormwater prior to discharge to the City right-of-way or stormwater system. Proof of proper operation and maintenance may be required on a periodic basis.

4. All non-residential properties shall on the fifth year after first receiving mitigation credit and every fifth year thereafter or upon written notice by the City, certify that the onsite stormwater infrastructure which qualified the property to be eligible for the mitigation credit continues to exist and is maintained to be functioning as designed. Properties owners shall submit As-Built Certification documents demonstrating the infrastructure is functioning as designed.

Rationale

Mitigation credits may be granted to parcels whose offsite stormwater impacts on the City system are reduced or nonexistent, are mitigated by a properly functioning and permitted stormwater system, or the parcel owner contributes to the maintenance of a private system which provides stormwater treatment and attenuation for runoff from public right-of-way. The basis for these credits is as follows:

1. Parcels which do not discharge to the City system do not impose direct stormwater maintenance burdens on the City's system.

2. Parcel owners which contribute to the maintenance of privately held stormwater management facilities that manage runoff from public rights-of-way offset some costs which might otherwise be borne by the City.

3. The City and the receiving waters receive benefits from privately-owned and maintained stormwater management facilities.

4. It is in the City's interest to encourage the proper operation and maintenance and continued existence of onsite stormwater management facilities.

Mitigation Credits

Condition	Mitigation Credit
1. Parcels with no Offsite Discharge of Stormwater to City System. The credit for such parcels will be 100% since the City bears no expense in managing the offsite discharge of the site's flow.	100%
2. Parcel Owner owns, operates and maintains a stormwater facility that provides attenuation and treatment equal to that necessary for the 50-year storm event (2% chance of occurrence in any one year). The credit for such parcels is based upon a linear interpolation between the 10% credit for mitigation of the 25-year storm (4% chance of occurrence in any one year) and a 100% credit for mitigation of a 100-year storm (1% chance of occurrence in any one year).	40%

3. Parcel Owner Contributes to Maintenance of Private System. 10%
   The credit for such parcels will be based upon the percentage of the City's stormwater operation and maintenance (O&M) budget providing for maintenance of stormwater ponds but in no case shall this be less than 10%. The O&M Budget does not include funds devoted to capital projects addressing conveyance system extension and capacity upgrades.

4. Parcels with Properly Functioning On-site Treatment and Attenuation. 10%
   The credit for such parcels will be based upon the approximate percentage of the City's stormwater operation and maintenance (O&M) budget providing for maintenance of stormwater ponds but in no case shall this be less than 10%. The O&M Budget does not include funds devoted to capital projects addressing conveyance system extension and system upgrades.